PIPERTON ZONING ORDINANCES

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ARTICLE 1

GENERAL PROVISIONS RELATING TO ZONING

1.1. **Authority** - An ordinance, pursuant to the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, authorizing the City of Piperton, Tennessee, to establish districts or zones within the corporate limits; to regulate, within such district, the location, height, bulk, number of stories and size of buildings or structures, the percentage of lot occupancy, the required open spaces, the density of the population and the uses of land, buildings, and structures, to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the City Council of the City of Piperton, Tennessee, as follows:

1.2. **Title** - This ordinance shall be known as the "Zoning Ordinance of Piperton, Tennessee." The map herein referred to, which is identified by the title "Zoning Map of Piperton, Tennessee," and the signature of the Mayor attested by the City Recorder, and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

1.3. **Purpose** - The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the street, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of services. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability of particular uses, and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE 2

DEFINITIONS

2.1. **Definitions** - Except as specifically defined herein all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail. The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the City of Piperton

Accessory Buildings: A use or building on the same lot with and of a nature customarily incidental and subordinate to the principle use or building. For purposes of this Ordinance, such structures include, but are not limited to, storage sheds, workshops, satellite dishes and pads.

Alley: A thoroughfare which affords only a secondary means of access to the abutting property and has a right-of-way width of thirty (30) feet or less.

Apartment: One unit, including living, cooking and sanitary facilities in a multi-family dwelling.

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

Berm: A mound made of soil, either natural or manmade, used to obstruct views.

Boarding House or Rooming House: A building in which lodging and/or meals are provided for compensation for two or more persons for a prearranged time period.

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

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building, Height of: The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

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

Building, Main or Principal: A building in which the primary use of the lot is conducted.

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

Carport: A canopy attached to the main building, open and to remain open on two sides providing a sheltered place for parking an automobile and for entering and alighting from said automobile.

Child Care: Refers to the various arrangements made by parents for the care outside their home of children under 17 years of age, for less than 24 hour periods as provided in the Tennessee Code Annotated, as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

Clinic: An establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.

Condominium: An ownership arrangement in which the buyer purchase only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses.

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

Day Care Facility: A building or structure used for the care of children or elderly and/or functionally impaired adults, as defined herein. Such a facility normally includes one of the following types:

a. Family Day Care Home: A home (an owner-occupied residence) operated by any person who receives pay for providing less than 24 hours per day supervision and care, without transfer of custody, for a maximum of 10, (per provisions under "State Law"), children under 17 years of age who are not residents of the household.

b. Adult Care Center: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24 hour day.

c. Day Care Center: An establishment operated by a licensed social agency, corporation, institution, or other group that receives pay for the care of children under 17 years of age for less than 24 hours per day, without transfer of custody.

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

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

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls, and each dwelling located on a separate lot. This shall include zero lot line development and patio homes.

Dwelling, Single-family - Detached: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

Dwelling, Multi-family: A building designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Patio Home: A one-family dwelling on a separate lot with open space setbacks on three (3) sides and with a court.

Dwelling, Semi-Attached: A one-family dwelling attached to a one-family dwelling by a common vertical wall or walls and each dwelling located on a separate lot. This shall include two-family townhouses, zero lot line development and patio homes.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit consisting at least two (2) stories and each dwelling unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no opening in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this ordinance a townhouse designation shall apply to three (3) or more units built contiguous to each other (The definition includes townhouses and condominiums). This definition does not preclude condominium standards as set forth in the Southern Standard Building Code.

Dwelling, Two-family (duplex): A building designed to be occupied by two families, living independently of each other having one wall common to both dwelling units, and located on one lot.

Dwelling Unit: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family duplex, townhouse, or multi-family structures.

Educational Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools, (See Code 68 in the Standard Land Use Coding Manual).

Essential Service: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or sub-stations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Family: One or more persons related by blood, marriage, or other legal arrangement, or group of unrelated individuals, not to exceed two persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

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

Garage, Private: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: An agency of the Federal, State or the local governmental or any combination thereof.

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

Gross Floor Area: The total floor area, including basements, mezzanines and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

Habitable Space: Areas within a building designed and/or used as living quarters for human beings.

Health Officer: The term "Health Officer" shall mean health officer for the County of Fayette or his authorized representative.

Home Occupation: A business, profession, occupation, service or trade that is conducted within a residential dwelling unit and is incidental and secondary to the residential use of the property and that does not adversely or perceptively affect the character of the property or surrounding area.

Hospital: An establishment which provides out-patient, inpatient and emergency services of a medical, surgical and obstetrical nature to ill or injured human patients.

Impervious Surface - Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

Impervious Surface Ratio - A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.

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

Junk or Salvage Yard: Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

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

Lot: A legally recorded parcel of land.

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

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

Lot of Record: A parcel legally recorded in the Office of the Fayette County Register of Deeds at the date of the adoption of this Ordinance.

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

Lot Width: The horizontal distance between side lot lines measured at the front lot line.

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

Mobile Home: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for it mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: Any plat of ground upon which two or more mobile homes are parked for occupancy as dwelling units.

Mobile Home Space: An area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Non-conforming Use: Any use of building on premises which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

Pads: The surface on which a mobile home is located consisting of concrete footings and a masonry block or steel pier support for the mobile home.

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

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

Personal Services: Establishments which provide services to persons or households, crematory services and cemeteries. (See Code 62 in the Standard Land Use Coding Manual.)

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

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

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

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

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

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

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

Public Utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly to or for the public. (See Codes 47 and 48 except Codes 4823 and 485.)

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

Retail Trade: Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

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

School, Private: An institution of learning that is not parochial or public in nature.

School, Public: An institution of learning owned and/or operated by a governmental body.

Service Station: Any facility used for dispensing or sale at retail of any motor vehicle fuels.

Setback: The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this Ordinance.

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

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

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

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

a. Arterial Street: A major street used primarily for heavy through traffic which will be so designed on the Piperton Major Road Plan.

b. Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Piperton Major Road Plan.

c. Cul-de-sac or Dead-end-Street: A local street with only one outlet for which there are no plans for extension and no need for extension.

d. Marginal Access Street: A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.

e. Minor Residential or Local Street: A neighborhood or commercial area street used primarily for access to the abutting properties.

Street Right-of-Way Line: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthermost from the traveled street shall be considered as the street line.

Street Center Line: The center of the surface roadway or the surveyed center line of the street.

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is constructed to be towed on its own chassis composed of a frame and wheels, to be used with or without a permanent foundation but with the necessary connections for utility services.

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

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within a building.

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

Warehouse, Mini: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers goods or wares.

Wedding Chapel, Special Event Facility: Any building or group of buildings offered for use in conducting wedding ceremonies and receptions, and other special events, including meetings, conferences, banquets, dinners, and private parties for a fee. This definition does not include churches and similar congregations where weddings are permitted as an ancillary use.

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. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

Yard, Front: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.

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

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

Zoning District: Any section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

ARTICLE 3

GENERAL PROVISIONS

For the purpose of this ordinance there shall be certain general provisions which shall apply to the City as a whole.

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

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

1. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same classification; provided, however, that establishment of another non-conforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
3. Non-conforming commercial, business, or industrial uses shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.

4. A non conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
5. When a non-conforming use of any building, or land has ceased for a period of six (6) months, it shall not be re-established or changed to any other non-conforming use.
6. Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it occurs within twelve months of such damage, unless such damage is to the extent of more than seventy-five (75%) percent of the fair sales value immediately prior to the damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
7. A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
8. All additions or improvements to an existing non-conforming mobile home park shall be in conformance with these regulations.

3.3. **Accessory Buildings (or Structures) and Uses** – Accessory Buildings and Uses as defined in Article 2 shall comply with the following requirements:

A. Permitted Accessory Buildings – To the extent that all other bulk requirements contained herein are complied with, there shall be permitted a maximum of two (2) accessory buildings per residence based on the following schedule:

- Detached Garage, Pool Houses, etc. – no more than one (1) per residence
- Storage Shed – no more than one (1) per residence
- Gazebo – no more than one (1) per residence
- Playhouse (if over fence height) – no more than one (1) per residence
- Animal Shelter (if over fence height) – no more than one (1) per residence.

1. Children's play structures, storage sheds containing less than 120 square feet, arbors/trellis, flag poles, animal shelters (below fence height), concrete slabs, below-grade structures (e.g. underground shelter), or any accessory structure with a height of less than thirty (30) inches shall not be counted towards the maximum number.
2. No accessory building or structure shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory.

B. Location of Accessory Buildings -

1. No accessory building shall be erected in any required front yard or be located nearer to the front lot line than the principal building.
2. Accessory buildings proposed to be erected within five (5) feet of the principal building shall be considered "attached", and shall be required to comply with all setback requirements of the principal building.
3. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by hallway, corridor, breezeway, or passageway, and all applicable principle building setback requirements shall apply.
4. On reversed frontage lots, accessory buildings may be located between the principal structure and the non-accessible street upon which it fronts, provided a minimum setback of fifteen (15) feet is provided from the right of way of the non-accessible street or, if applicable, from the back line of any landscape/streetscape easement/common area, provided all other applicable provisions are met.
5. Accessory buildings shall maintain at least five (5) feet from any property line, or one (1) foot from any applicable easement.
6. Detached garages with entrances facing alleys shall be setback a minimum of twenty (20) feet from the edge of the alley.
7. No accessory building shall be constructed on or over any platted or recorded easement.
8. All recreational vehicles including, but not limited to, motor homes; boats, etc. shall be stored on an all-weather surface pad, behind a privacy fence, and be located behind the front building line of the principal structure.

C. Height of Accessory Buildings -

1. The maximum height of any permitted detached garage or pool house shall not exceed the height of the principal structure. All other permitted accessory structures shall be limited to a height of fifteen (15) feet, except as provided otherwise in the code of ordinances. For the purposes of this ordinance, height shall be defined as that distance from grade to the mid-point between the ridge beam and the top plate.

D. Size and Lot Coverage of Accessory Buildings -

1. The combined gross floor area (under roof) of all accessory structures shall be no more than 30% of the total gross floor area of the principal building, provided that all residential lots shall be allowed to have a combined total of 600 square feet of accessory floor area (under roof) if all other applicable provisions of this ordinance are met.
2. In no instance shall the combined gross floor area (under roof) of all accessory structures exceed 1,200 square feet without the approval of the Board of Mayor and Commissioners with a recommendation from the Planning Commission.

E. Architectural Style and Materials of Accessory Buildings – It is the intent of the City of Piperton that the architectural style and materials of accessory buildings reflect that of the principle building, and that such standards be governed privately by a homeowners association. However, for general applicability, the following architectural standard shall be a requirement of this Ordinance:

1. Metal and plastic shall be prohibited as primary siding materials for accessory structures greater than 150 square feet in gross floor area except where the material is the primary material on the principal structure.

F. Accessory Building Requirements for Non-Residential Zone Districts – In addition to the general requirements for accessory building contained herein, the following specific requirements shall be applicable to accessory buildings within non-residential zone districts:

1. In non-residential zone districts where maximum floor area ratio limits are applicable, the total gross floor area of all accessory structures shall be included as part of the total gross floor area of the lot.
2. Accessory buildings within non-residential zone districts located adjacent to any residential zone district shall adhere to the same setback requirements applicable to principal buildings.
3. Accessory buildings or structures (including trash enclosures) shall not be located within any required buffer, screening or landscaped area.

G. Accessory Use – In general, accessory buildings and structures shall maintain an evident function related to the environment in which it is located. Accordingly, the following provisions shall be applicable:

1. Accessory buildings and structures shall not be habitable.
2. Requirements for home-occupations contained in this Ordinance shall be applicable to accessory buildings.
3. Temporary accessory buildings (e.g. storage containers) shall comply with the following restrictions:

    a) Only one (1) temporary storage container shall be allowed per address.
    b) Temporary storage containers shall not exceed eight (8) feet in height, ten (10) feet in width, and twenty (20) feet in length.
    c) No temporary storage container shall be used to store materials related to an off-premise business or a home occupation.
    d) Temporary storage containers shall be placed on a hard all-weather surface, driveway or turnaround area.
    e) Temporary storage containers shall not be stored on a property for longer than sixty (60) days.

H. Flagpoles – In all residential districts, flagpoles shall be located a distance equal to their own height above grade plus 10 feet from the nearest property line; but in no event shall a flagpole in a residential district exceed a height of twenty (20) feet above grade. There shall be a maximum of one (1) flagpole per lot in all residential districts. In non-residential districts the same standards shall apply except that in a non-residential district any flagpole shall not exceed a height of thirty-five (35) feet above grade, and there shall be permitted a maximum of two (2) flagpoles per lot.

I. Permit Required – The following accessory buildings and structures require a building permit:

1. Detached Garage; Pool House
2. Storage buildings exceeding 120 square feet
3. Patio covers
4. Trellis (50% or more covered roof)
5. Gazebo
6. Play structures exceeding fence height
7. Landscape/Architectural embellishments exceeding fence height
8. Spas/hot tubs
9. Retaining walls

J. Exceptions -

1. Agricultural related improvements
2. Proposals for accessory structures on lots/parcels greater than five (5) acres not in compliance with the provisions contained herein shall present a Site Plan to the Planning Commission and Board of Mayor and Commissioners for approval.

3.4 Temporary Structures – Temporary structures as defined in Article 2 shall comply with the following requirements:

1. Temporary structures shall be permitted for the following activities:

(a) Contractor's offices, testing facilities, construction materials and/or equipment, and other temporary structures incidental and necessary to a specific construction project when the intended use is by a contractor in conjunction with a construction project that has been approved by the City of Piperton Planning Commission and/or Board of Mayor and Commissioners, and for which a valid building permit has been issued; or for any construction project for which a building permit is not specifically required;
(b) Real estate offices engaged in the sale or rental of real property, if in connection with and incidental and necessary to a real estate

development that has been approved by the City of Piperton Planning Commission and/or Board of Mayor and Commissioners;

(c) Temporary buildings for use during renovation of existing, or construction of new office space within non-residential zone districts in conjunction with a site plan that has been approved by the City of Piperton Planning Commission and/or for which a valid building permit has been issued;

(d) Temporary buildings associated with activities/events sanctioned by the City of Piperton Board of Mayor and Commissioners in accordance with policy guidelines it establishes.

Under no circumstances shall temporary structures be used for living or sleeping purposes.

2. Temporary structures shall be permitted within all zone districts, subject to the following provisions:

(a) Temporary structures used for non-residential purposes (i.e. commercial/industrial development) shall not be permitted within residential districts;

(b) Temporary structures used in connection with a utility related, public works, and/or road construction project shall not be permitted within any residential district unless a site plan for such temporary structure(s) has first been approved by the City of Piperton Planning Commission.

3. The number and location of temporary structures shall be subject to the following provisions:

(a) The Building Official may permit a maximum of two (2) temporary structures per each related activity;

(b) The City of Piperton Planning Commission may authorize the erection of additional temporary structures based on particular and specific circumstances;

(c) Temporary structures shall be located on the same property on which an activity is conducted;

(d) The erection of off-site temporary structures shall not be permitted unless a site plan for such off-site temporary structure(s) has first been approved by the City of Piperton Planning Commission;

(e) Temporary structures shall comply with all bulk and parking requirements of the zone district in which it is located;

(f) The Building Official shall be authorized to designate the precise location of a temporary structure(s) where unique site conditions warrant.

4. The duration for temporary structures shall be subject to the following provisions:

   (a) Temporary structures associated with construction projects, as provided herein, shall be removed upon the issuance of a certificate of occupancy, or completion of the permanent structure, or completion of any other construction related project (i.e. utilities, road construction, etc.) as determined by the Building Official;
   (b) Temporary structures associated with the sale or rental of real property, as defined herein, shall be removed after twenty-four (24) months or when the last lot or unit is sold, whichever occurs first;
   (c) The duration for any other temporary structures shall be as specified by the Board of Mayor and Commissioners.
   (d) Sites permitted for temporary structures shall be returned to their original condition upon the removal of said structure(s).

5. Temporary structures shall require a building permit in accordance with all applicable provisions of Article 12; Paragraph 12.3.1 – 12.3.7. of the Zoning Ordinance.

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

3.6 **Minimum Lot Width and Depth** - No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet and contain a minimum width of eighty (80) feet at the building setback line.

3.7 **Reduction in Lot Area Prohibited** - No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

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

3.9 **Obstruction of Vision at Street Intersections Prohibited** - In all districts on a corner lot, within the area formed by the centerlines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the

average grade of each street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. The Board of Zoning Appeals may reduce this requirement where safety conditions will not be impaired

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

1. Plan Submission - In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted to the Building Inspector. Such a plan shall include a scale drawing with not less than one (1) inch equaling twenty (20) feet.
2. Number Of Access Points - In all zones except residential, there shall be no more than two (2) points of access to any one (1) public street on a lot of less than three hundred (300) feet, but more than one hundred (100) feet in width. Lots in excess of three hundred (300) feet may have two (2) points of access to any one (1) public street for each three hundred (300) feet of frontage. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. Distance Of Intersections - All vehicular access points shall be located at least thirty (30) feet from the intersection of any right-of-way lines of street or a street and a railroad.
4. Width - A point of access, i.e., a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25) feet in width for one-way, one (1) lane ingress or egress and shall not exceed thirty-five (35) feet in width for two-way ingress and/or egress. The Building Inspector may issue permits for a point of access up to fifty (50) feet in width for businesses engaged primarily in the servicing of automobile vehicles.
5. Effect On Curbs, Drainage Ditches, and Sidewalks - No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the Building Inspector. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles onto the sidewalk area.
6. Relation To State Highway Regulations - Access control of property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.
7. Variances - Causes requiring variance relative to this Section, and hardship not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.

3.11 Regulations Regarding the Placement of Manufactured Homes

1. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
2. The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used and the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include, but shall not be limited to, clapboards, simulated clapboards, such as, conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a two inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition shingles or fiberglass.
5. The unit must be oriented on the lot so that its long axis is parallel with the street.
6. All such units shall be required to connect to a public utility system which includes electric, water and sewer, when available, in compliance with the Southern Standard Building Code and National Electrical Code.

3.12 More Restrictive Regulation Applies

In any case in which any portion of this or any other City of Piperton code, ordinance, or any other applicable county, state, or federal law or regulation or any kind of private agreement, covenant, or easement applying within the City, establishes a requirement that is either more or less restrictive than a particular requirement established herein, the provision that is the more restrictive or that imposes the higher standard or requirement shall govern.

Except that among the regulations of the City, a provision establishing a rule for a more specific case or exception shall govern in lieu of a provision that establishes a more general rule applying to a broader class of properties or situations.

3.13 **Fences, Walls and Hedges** - Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, except as prohibited in herein and in accordance with the following criteria:

1. It shall be unlawful for any contractor, individual or property owner to commence the installation of a fence or wall until the Building Official has issued a fence permit for such work. Any fence permit issued in conflict with the provisions of this article shall be null and void. It shall be the responsibility of the contractor, individual or property owner to correct any violations that may exist as determined by the Building Official.

2. Fences and walls with the exception of retaining walls of not more than 48 inches in height may be allowed in front yards, subject to the review and approval of the Planning Commission acting in its capacity as the City's Design Review Commission.
3. Fences and walls with the exception of retaining walls in front, side and rear yards must be constructed of wood, brick, vinyl or ornamental iron or aluminum and may not exceed a height of six (6) feet (exclusive of minimum required ground clearance), unless otherwise approved by the Planning Commission acting in its capacity as the City's Design Review Commission, and notwithstanding provisions for screening prescribed in Article 11.1.5 (4)(C) of this Zoning Ordinance. Height shall be measured from the finished surface of the top of the fence to the finished grade. In side and rear yards, fences may be constructed on the lot line except as limited by the approved final subdivision plat, site plan or applicable restrictive easements. On interior lots, fences exceeding 48 inches in height shall not extend beyond the front face of the principle structure except as provided in this article.
4. Fences, walls and hedges shall not obstruct visibility for sidewalks, streets and other public ways. No fence, wall or hedge shall be erected or placed in such a manner as to obstruct necessary and required lines of sight as prescribed in Article 3.9.
5. On corner lots, fences, walls and hedges shall be permitted in side and rear yards except as prohibited herein. Fences and walls exceeding 48 inches in height shall not be permitted beyond the front face of the principle structure or the front yard setback line, whichever distance from the property line is greater, on the street side on which the house faces. However, on the street side on which the house does not face, a fence or wall not exceeding six feet in height may extend no more than ten feet into the front yard setback, unless otherwise approved by the Planning Commission acting in its capacity as the City's Design Review Commission.
6. All fences, regardless of type or material, shall have the finished side facing public rights- of-way, common open areas, parkland or greenbelt areas and other public areas.
7. A fence or wall being installed that varies in height with other fences shall transition the height of the fence to match the adjoining fence. The transition shall be provided over a minimum distance of eight feet or 4:1 ratio. Abrupt changes in height between fences shall not be permitted.
8 Specifically prohibited fencing materials shall include vinyl coated chain link and chain link, (except as may be approved by the Planning Commission acting in its capacity as the City's Design Review Commission within the City's industrial districts when abutting similar zoned properties, municipal and governmental facilities, and when used for sports facilities to protect health, safety and public welfare); wire mesh or single wire or electrified fencing (except in relation to active livestock and agricultural operations or when used in combination with wooden fences as may be approved by the Planning Commission acting in its capacity as the City's Design Review Commission), cinder block or concrete

block and barbed wire (except in relation to active livestock and agricultural operations).

9. Fences and walls must be installed to provide sufficient clearance from the bottom of the fence to the ground so drainage will flow freely and not negatively impact any adjacent property owner. Fences located in or along drainage easements shall have a minimum ground clearance of two inches. Greater clearance may be required by the City Engineer to prevent adverse effects on drainage flow.
10. No fence or wall shall block access to any above ground, pad mounted electrical transformer or utility apparatus installed and maintained by any authorized utility provider.
11. Fences on double frontage lots and reverse frontage lots where the rear or side yards face a public right-of-way shall be maintained by the property owner or by an established homeowner's association. In subdivisions where there is no homeowner's association, access gates shall be installed on all properties that abut the public right-of-way. All landscaped area from the fence line to the pavement edge shall be maintained by the property owner. All fences on double frontage lots must have the finished side of the fence facing the public right-of-way.
12. Fences, walls and hedges that abut a public right-of-way or any City owned property/facility or greenbelt property shall be maintained and kept in good repair by the property owner and/or homeowner association.
13. Double fences shall be allowed in the side and rear yards with the exception of double frontage or reverse frontage lots where rear property lines face a public right-of-way. Double fences shall be installed against the property line so as to prevent non-maintainable land between fences.
14. Lack of proper maintenance and upkeep of a fence or wall shall constitute a violation of these regulations. Lack of proper maintenance shall include, but not be limited to, rotten or deteriorated structural members, missing or broken components, excessive sagging of structural members or warping or distortion of planks and fence or wall materials.
15. In accordance with the Standard Swimming Pool Code fencing for pools shall be a minimum of 48 inches in height as measured from the finished grade. All other fence provisions in the Standard Swimming Pool Code as amended shall apply.
16. Fences, walls and hedges installed in or along public easements (utility, drainage, pedestrian and the like) are subject to removal at the owner's expense in the event maintenance or construction work is required within or along the public easement.
17. Nothing contained in this section shall have the affect of contravening more restrictive provisions regarding the placement, height, material, etc. of fences contained within private covenants, conditions and restrictions.

3.14 Home Occupations

1. The following conditions and standards shall be applicable to all home occupations as defined in Article 2 of this Ordinance:

a). No more than twenty (20) percent of the total ground floor area of the applicable principal structure may be used for a home occupation.

b) A home occupation shall not generate nuisances such as on street parking, noise which is discernible past the lot line of the property, fumes, smoke, electrical interferences, or other hazards, and there shall be no evidence of the home occupancy use from any public way.

c). Home occupations shall not include the employment of any persons not residing on the premises in the performance of the home occupation.

d). No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.

e). There shall be no exterior garage storage of business equipment, materials, inventory or heavy equipment.

f). The use of mechanical equipment other than is usual for purely domestic or hobby purposes is prohibited.

g). Merchandise shall not be displayed outside of the residence.

h). A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

i). There shall be no changes to the exterior of the building.

j). Home occupations shall be subject to all applicable licenses and business taxes.

2. It is the intent of this Article that proposed home occupations that can comply fully with the above conditions and standards be permitted by right. However, proposed home occupations exhibiting the following characteristics shall require a Special Exception in accordance with Article 12.9, and the additional specific standards and conditions provided in Article 12.9.5 of this Ordinance:

a). Any home occupation proposed to be conducted in a legally constructed accessory building.

b). Any home occupation that necessitates regular customer/client on-site visitation for rendered services.

c). Any home occupation that requires regular on-site delivery of goods/materials utilized in the home occupation.

d). Any home occupation exhibiting characteristics not otherwise delineated herein

3.15. Provisions for Garage Sales

1. Garage sales are permitted without a special exception, provided they meet the following standards.

a). Sales last no longer than three (3) days.

b). Sales are held no more than twice yearly.

c). Sales are conducted on the owners property. Multiple family sales are permitted if they are held on the property of one of the participants.

d). No goods purchased for resale may be offered for sale.

e). No consignment goods may be offered for sale.

f). Directional signs may be placed in the street right-of-way.

g). All directional and advertising signs shall be free standing and removed after completion of the sale.

h). All directional and advertising signs placed on private property shall have the owners permission.

i). No directional or advertising signs may be larger than two (2) by three (3) feet.

3.16 Exceptions and Modifications

1. Where a lot of record in the office of the Fayette County Register (a) is proposed to be used for a single family residence; and (b) was created prior to adoption of the City's current Zoning Ordinance; and (c) was legally subdivided or was a legal non-conforming lot under the zoning ordinance in effect when such lot was created; and (d) is unable to meet the minimum lot size required by the City's zoning ordinance for construction of a single family residence in the district in which it is located, the following shall apply:

a. The owner of the lot shall be allowed to build one single family residence and allowable accessory structures on such lot, subject to all requirements of the City's zoning ordinance other than minimum lot size, including but not limited to yard and setback requirements. If all the yard and setback requirements for the zoning district in which the lot is located are met, a variance need not be obtained, and a building permit may be issued.

b. If the lot is not of sufficient size to conform to the setback and yard requirements of the zoning ordinance other than minimum lot size, the lot owner may request a variance from the Board of Zoning Appeals ("BZA"). The BZA may grant permission for construction of a single family residence and allowable accessory structures provided the yard and setback requirements are met as closely as possible, in the opinion of the BZA.

c. Where two or more lots of record with continuous frontage are owned by the same owner, and neither lot complies with the City's zoning ordinance, the lots shall be combined to form one or more legal lots which meet the requirements of the zoning district in which they are located. The provisions of this Section 3 shall take precedence over the provisions of Section 1 and 2.

2. Where a lot of record in the office of the Fayette County Register (a) contains a single family residence; and (b) was created prior to adoption of the City's current zoning ordinance; and (c) was legally subdivided or was a legal on-conforming lot in Fayette County under the zoning ordinance in effect when such lot was created; and (d) is unable to meet the minimum lot size required by the City's current zoning ordinance for construction of a single family residence, the following shall apply:

a. The existing single family residence shall be a permitted use, and a building permit may be issued to the owner of the lot to improve, reconstruct or expand such residence. If all the yard and setback requirements for the zoning district in which the lot is located will be met, a variance need not be obtained, and a building permit may be issued for such improvement, reconstruction or expansion.

b. If the owner desires to improve, reconstruct or expand the existing building, and if the lot is not of sufficient size to conform to the yard and setback requirements of the zoning ordinance other than minimum lot size, the lot owner may request for a variance from the Board of Zoning Appeals ("BZA). The BZA may grant permission for such improvement, reconstruction or expansion, provided the yard

and setback requirements are met as closely as possible, in the opinion of the BZA.

c. Where two or more lots of record with continuous frontage are owned by the same owner, and neither lot complies with the City's zoning ordinance, the lots shall be combined to form one or more legal lots which meet the requirements of the zoning district in which they are located. The provisions of this Section 3 shall take precedence over the provisions of Section 1 and 2.

3. Construction, improvement, reconstruction or expansion as described in Sections 1 and 2 above shall not be allowed or commenced until the owner of the affected lot shall deliver to the City proof that the Fayette County Health Department has approved the proposed septic system or, if a City sewer system is available, proof that the lot will be connected to a City sewer system.

ARTICLE 4

ESTABLISHMENT OF DISTRICTS

4.1. Classification of Districts. For the purpose of this Ordinance Piperton, Tennessee, is hereby divided into the following districts, designated as follows:

RC Rural Conservation

R-1 Low Density/Estate Residential

B-1 Neighborhood Commercial

B-2 Minor Planned Commercial

B-3 Major Planned Commercial

O Office

M-1 Light Industrial

M-2 Heavy Industrial

4.2. Boundaries of Districts

1. The boundaries of districts in Section 11-301 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map of Piperton, Tennessee", which is a part of this Ordinance and which is on file in the Piperton City Hall.

2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

3. Where a district boundary divides a lot as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

ARTICLE 5

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

5.1. Provisions Governing R-C, Rural Conservation Districts
5.2. Provisions Governing R-1, Low Density/Estate Residential Districts
5.3. Reserved
5.4. Reserved

Table 1: Residential Districts, Density Levels and Yard Requirements

District	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Average Density
R-C	5 Acres	None	300 Feet	35 Feet	50 Feet	25 Feet	.2 DU/ Acre
R-1	1 Acres	10 Acres	175 feet*	30 feet	30 feet	25 feet	1 lot for every 2 acres
Reserved							
Reserved							
Reserved							

DU = Dwelling Units
*NOTE: In instances in which the average lot width of improved lots within an adjacent subdivision of record is less than 175 feet, then the lot width for newly platted lots may be reduced to 150 feet. This provision shall not be applicable to re-subdivisions of existing subdivided lots of record. The burden of calculating and certifying to the Planning Commission the average lot widths of improved lots within an adjacent subdivision shall lie with the applicant.

5.1. RC Rural Conservation District.

5.1.1. **Intent** - The intent of the RC, Rural Conservation District is to provide suitable areas for single family residential development free from conflicting residential uses with the purpose of maintaining the rural atmosphere of the outlying areas of the City. Density levels should be no greater than 0.2 dwelling units per acre. This area does not require extensive municipal services.

5.1.2 **Uses Permitted**

a. Single-family detached dwellings, not to include mobile homes.
b. Accessory buildings customarily incidental to the permitted use.
c. Signs as permitted in City of Piperton Sign Ordinance.

5.1.3. **Special Exceptions** - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

a. Churches and cemeteries.
b. Elementary and secondary schools.
c. Public golf courses, membership and non-membership country clubs.
d. Home Occupations as defined in Article 3.14.
e. All non-inhabitable structures that exceed height restrictions
f. Commercial Stables and Riding Academies.
g. Wedding Chapel, Special Event Facility.

5.1.4. **Uses Prohibited** - Any other use not specifically permitted in Section 5.1.2 or as a special exception in Section 5.1.3.

5.1.5. **Minimum Lot Area**

a.	Single-family dwellings	5 acres
b.	Police stations, fire stations and parks	2 acres
c.	Churches and cemeteries	2 acres
d.	Elementary and secondary schools	10 acres plus 1 acre for each 100 students or fraction of 100 students over 100.

e.	Public golf courses, membership and non-membership country clubs.	10 acres
f.	Commercial Stables and Riding Academies	10 acres
g.	Wedding Chapel, Special Event Facility	15 acres

5.1.6. Minimum Lot Width at the Minimum Building Setback Line

a.	Single-family dwellings	300 feet
b.	Police stations, fire stations and parks	175 feet
c.	Churches and cemeteries	200 feet
d.	Elementary and secondary schools	200 feet
e.	Public golf courses, membership and non-membership country clubs	300 feet
f.	All other uses	300 feet

5.1.7. Minimum Required Front Yard

a.	Single family dwellings	35 feet
b.	All other uses	40 feet

5.1.8. Minimum Required Side Yard on Each Side of the Lot

a.	Single-family dwellings	50 feet
b.	All other uses	25 feet or more as required by the Board of Zoning Appeals

5.1.9. Minimum Required Rear Yard

a.	Single-family dwellings	25 feet
b.	All other uses	40 feet or more as required by the Board of Zoning Appeals

5.1.10. Maximum Number of Principal Buildings Permitted

a. Single family residential uses shall be limited to 1 principal building per lot.
b. Uses other than residential shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 45% of the entire lot area.

5.1.11. Height Regulations - The maximum height of all structures shall be as follows:

a. No building shall exceed 3 stories or 35 feet in height.
b. No accessory building shall exceed 25 feet in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

5.1.12. Parking Requirements - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10.

5.1.13. Accessory Buildings and Uses - Accessory buildings shall be located on the lot in accordance with Article 3, Section 3.4.

5.1.14. Site Plan Review - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions, except for single family residential structures or accessory buildings on lots with the principal building being a residential structure. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City of Piperton shall maintain a copy of the site plan in the permanent files of the City.

5.2. R-1, Low Density/Estate Residential District.

5.2.1 Intent - The intent of the R-1 (Low Density/Estate Residential) District is to provide suitable areas for single family residential development having a density level no greater than 0.5 dwelling units per acre and free from

conflicting residential uses. These areas must be served by all municipal services.

5.2.2 Uses Permitted

a. Single-family detached dwellings, not to include mobile homes.
b. Accessory buildings customarily incidental to the permitted use.
c. Signs as permitted in City of Piperton Sign Ordinance.

5.2.3. Special Exceptions - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

a. Churches and cemeteries.
b. Elementary and secondary schools.
c. Public golf courses, membership and non-membership country clubs.
d. Home Occupations as defined in Article 3.14.
e. All non-inhabitable structures that exceed height restrictions.

5.2.4. Uses Prohibited - Any other use not specifically permitted in Section 5.2.2 or as a special exception in Section 5.2.3.

5.2.5. Minimum Lot Area

a.	Single-family dwellings	1 acre
b.	Police stations, fire stations and parks	2 acres
c.	Churches and cemeteries	2 acres
d.	Elementary and secondary schools	10 acres plus 1 acre for each 100 students or fraction of 100 students over 100.
e.	Public golf courses, membership and non-membership country clubs	10 acres

5.2.6. Minimum Lot Width at the Minimum Building Setback Line

a.	Single-family dwellings	175 feet*
b.	Police stations, fire stations and parks	175 feet

c.	Churches and cemeteries	200 feet
d.	Elementary and secondary schools	200 feet
e.	Public golf courses, membership and non-membership country clubs	300 feet

*In instances in which the average lot width of improved lots within an adjacent subdivision of record is less than 175 feet, then the lot width for newly platted lots may be reduced to 150 feet. This provision shall not be applicable to re-subdivisions of existing subdivided lots of record. The burden of calculating and certifying to the Planning Commission the average lot widths of improved lots within an adjacent subdivision shall lie with the applicant.

5.2.7. Minimum Required Front Yard

a.	Single family dwellings	30 feet
b.	All other uses	40 feet

5.2.8. Minimum Required Side Yard on Each Side of the Lot

a.	Single-family dwellings	30 feet
b.	All other uses	25 feet or more as required by the Board of Zoning Appeals

5.2.9. Minimum Required Rear Yard

a.	Single-family dwellings	25 feet
b.	All other uses	40 feet or more as required by the Board of Zoning Appeals

5.2.10. Maximum Number of Principal Buildings Permitted

a. Single family residential uses shall be limited to 1 principal building per lot.
b. Uses other than residential shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 45% of the entire lot area.

5.2.11. **Height Regulations** - The maximum height of all structures shall be as follows:

a. No building shall exceed 3 stories or 35 feet in height.
b. No accessory building shall exceed 25 feet in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

5.2.12. **Parking Requirements** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10.

5.2.13. **Accessory Buildings and Uses** - Accessory buildings shall be located on the lot in accordance with Article 3, Section 3.3.

5.2.14. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions, except for single family residential structures or accessory buildings on lots with the principal building being a residential structure. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The City of Piperton shall maintain a copy of the site plan in the permanent files of the City.

ARTICLE 6

PROVISIONS GOVERNING COMMERCIAL AND OFFICE DISTRICTS

6.1. Provisions Governing B-1, Neighborhood Commercial Districts
6.2. Provisions Governing B-2, Minor Planned Commercial Districts
6.3. Provisions Governing B-3, Major Planned Commercial Districts
6.4. Provisions Governing O, Planned Office Districts

Table 2: Business Districts, Bulk Restrictions and Yard Requirements

District	Minimum Lot Area 1	Maximum Lot Area	Minimum Lot Width 2	Minimum Front Yard	Minimum Side Yard 3	Minimum Rear Yard	ISR 4
B-1	1 Acre	2 Acres	200 Feet	50 Feet	None	20 Feet	0.20
B-2	2 Acres	None	200 Feet	50 Feet	None	25 Feet	0.75
B-3	5 Acres	None	300 Feet	50 Feet	None	25 Feet	0.75
O	2 Acres	None	200 Feet	50 Feet	None	25 Feet	0.60

NOTES:

1. The minimum lot area may be reduced to 1 acre provided all utilities, including centralized sanitary sewers are available.
2. There shall be no minimum lot width required provided all utilities, including centralized sanitary sewers are available.
3. Permanent improvements shall not encroach upon any existing or proposed easements.
4. ISR = Impervious Surface Ratio

6.1. **B-1, Neighborhood Commercial District** - Within the areas designated B-1 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.1.1. **Intent** - The intent of the **B-1 (Neighborhood Commercial District)** is to provide for suitable areas that allow for low intensity commercial and professional activities that are not high traffic generators and are designed to primarily serve

local neighborhood populations. This district is also intended to promote the clustering of commercial activities. B-1 districts shall be located at intersections of neighborhood collector streets and shall be served by all municipal services.

6.1.2. **Uses Permitted** - Permitted uses of the B-1 district are listed in Table 4 of this ordinance.

6.1.3. **Special Exceptions** - Special Exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions -
The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a Special Exception, the standards outlined in Article 12, Section 9 of this ordinance shall apply.

6.1.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 6.1.2 and 6.1.3 are prohibited in the B-1 district

6.1.5. **Minimum Lot Area**

a. All Uses — 1 (one acre)

6.1.6. **Maximum Lot Area**

a. All Uses — 2 (two acres)

6.1.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses — 200 Feet
b. There shall be no minimum lot width required provided all utilities, including centralized sanitary sewers are available.

6.1.8. **Minimum Required Front Yard**

a. All lots — 50 Feet

6.1.9. **Minimum Required Side Yard on Each Lot**

a. All Uses	No minimum requirements unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be

		located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.1.10. Minimum Required Rear Yard

a.	All Uses	20 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 feet.

6.1.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.20.

6.1.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.1.5 through 6.1.11 are met.

6.1.13. Height Regulations - The maximum height of all structures shall be as follows:

a. No building shall exceed two stories or 35 feet in height.
b. No accessory building shall exceed two stories in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.1.14. Parking - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

6.1.15. Display and Storage of Merchandise and Other Materials - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.

6.1.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.

6.1.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.

6.1.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Piperton.

6.2. **B-2, Medium Planned Commercial District** - Within the areas designated B-2 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.2.1. **Intent** - The intent of the **B-2 (Medium Planned Commercial District)** is to provide for suitable areas that allow for medium intensity commercial and professional activities that produce moderate to high amounts of traffic. This district is designed to be the main commercial district and to minimize the impact on existing and proposed utilities, transportation facilities and land uses. It is also designed to encourage and require the clustering of all development in the zone. The B-2 zone shall be located on arterial streets and served by all municipal utilities.

6.2.2. **Uses Permitted** - Permitted uses of the B-2 district are listed in Table 4 of this ordinance.

6.2.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

a. Special Conditions and Standards for Special Exceptions -
The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards contained in Article 12, Section 9 of this ordinance shall apply.

6.2.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 6.2.2 and 6.2.3 are prohibited in the B-2 district.

6.2.5. Minimum Lot Area

a. All Uses — 2 (Two acres)

b. The minimum lot area may be reduced to 1 acre provided all utilities, including centralized sanitary sewers are available.

6.2.6. Maximum Lot Area

a. All Uses — 10

6.2.7. Minimum Lot Width at the Street Right-of-Way Line

a. All Uses — 200 feet

b. There shall be no minimum lot width required provided all utilities, including centralized sanitary sewers are available.

6.2.8. Minimum Required Front Yard

a. All Lots — 50 feet

6.2.9. Minimum Required Side Yard on Each Lot

a. All Uses — No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.2.10. Minimum Required Rear Yard

a. All Uses — 25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 feet.

6.2.11. Maximum Impervious surface Ratio - The maximum impervious surface ratio of all lots shall be 0.75.

6.2.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.2.5 through 6.2.11 are met.

6.2.13. Height Regulations - The maximum height of all structures shall be as follows:

a. No building shall exceed three stories or 35 feet in height.

b. No accessory building shall exceed two stories in height.

c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.2.14. **Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

6.2.15. **Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.

6.2.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.

6.2.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.

6.2.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issues. The site plan shall be kept in the permanent files of the City of Piperton.

6.3. **B-3, Major Planned Commercial District** - Within the areas designated B-3 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.3.1. **Intent** - The intent of the **B-3 (Major Planned Commercial District)** is to provide for suitable areas that allow for high intensity commercial and professional activities that are high traffic generators and are designed to serve regional populations. This district is designed to minimize the impacts of these uses on existing and proposed streets, utilities and land uses. The B-3 district is also designed to encourage and require the clustering of commercial activities. B-

3 districts shall be located on major arterials and shall be served by all municipal services.

6.3.2. **Uses Permitted** - Permitted uses of the B-3 district are listed in Table 4 of this ordinance.

6.3.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards outlined in Article 12, Section 9, shall apply.

6.3.4. **Uses Prohibited** - Any use not specifically permitted or requiring a special use permit per sections 6.3.2 and 6.3.3 are prohibited in the B-3 district.

6.3.5. **Minimum Lot Area**

a. All Uses 5 (five acres)
b. The minimum lot are may be reduced to 1 acre provided all utilities, including centralized sanitary sewers are available.

6.3.6. **Maximum Lot Area**

a. All Uses None

6.3.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses 300 feet
b. There shall be no minimum lot width required provided all utilities, including centralized sanitary sewers are available.

6.3.8. **Minimum Required Front Yard**

a. All Lots 50 Feet

6.3.9. Minimum Required Side Yard on Each Lot

a.	All Uses	No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.3.10. Minimum Required Rear Yard

a.	All Uses	25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 50 feet.

6.3.11. Maximum Impervious Surface Ratio - The maxim impervious surface ratio for all lots is 0.75.

6.3.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.3.5 through 6.3.11 are met.

6.3.13. Height Regulations - The maximum height of all structures shall be as follows:

a. No building shall exceed three stories or 35 feet in height.
b. No accessory building shall exceed two stories in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.3.14. Parking - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

6.3.15. Display and Storage of Merchandise and Other Materials - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the

lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.

6.3.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.

6.3.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.

6.3.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issues. The site plan shall be kept in the permanent files of the City of Piperton.

6.4. **O, Planned Office District** - Within the areas designated O on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.4.1. **Intent** - The intent of the **O (Planned Office District)** is to provide for suitable areas that allow for high and low intensity professional activities that can be high traffic generators and are designed to serve both local and regional populations. This district is designed to minimize the impacts of these uses on existing and proposed streets, utilities and land uses. The district is also designed to promote the clustering of office uses with landscaped greenspace. O districts shall be located on arterials or greater and shall be served by all municipal services.

6.4.2. **Uses Permitted** - Permitted uses of the O district are listed in Table 4 of this ordinance.

6.4.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards outlined in Article 12, Section 9 shall apply.

6.4.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 6.4.2 and 6.4.3 are prohibited in the O district.

6.4.5. **Minimum Lot Area**

a. All Uses — 2 (two) acres

b. The minimum lot area may be reduced to 1 acre provided all utilities, including centralized sanitary sewers are available.

6.4.6. **Maximum Lot Area**

a. All Uses — None

6.4.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses — 200 feet

b. There shall be no minimum lot width required provided all utilities, including centralized sanitary sewers are available.

6.4.8. **Minimum Required Front Yard**

a. All Lots — 50 Feet

6.4.9. **Minimum Required Side Yard on Each Lot**

a. All Uses — No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.4.10. **Minimum Required Rear Yard**

a. All Uses — 25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 ft.

6.4.11. **Maximum Impervious Surface Ratio** - The maximum impervious surface ratio for all lots is 0.60.

6.4.12. **Maximum Number of Principal Buildings Permitted** - None provided that the provisions of 6.4.5 through 6.4.11 are met.

6.4.13. **Height Regulations** - The maximum height of all structures shall be as follows:

a. No building shall exceed three stories or 35 feet in height.
b. No accessory building shall exceed two stories in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.4.14. **Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

6.4.15. **Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.

6.4.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.

6.4.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.

6.4.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issues. The site plan shall be kept in the permanent files of the City of Piperton.

ARTICLE 7

PROVISIONS GOVERNING MANUFACTURING DISTRICTS

7.1. Provisions Governing M-1, Light Manufacturing Districts
7.2. Provisions Governing M-2, Heavy Manufacturing Districts
7.3. Provisions Governing M-3, Planned Industrial Park Manufacturing District

Table 3: Manufacturing Districts, Bulk Requirements and Yard Requirements

District	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	ISR
M-1	2 Acres	None	200 Feet	50 Feet	None	20 Feet	0.75
M-2	5 Acres	None	300 Feet	50 Feet	None	25 Feet	0.90
M-3	2 Acres w/ sewer access or 5 Acres w/o sewer access.	None	300 Feet	50 Feet	None, Unless Adjacent To Residential District.	25 Feet, Unless Adjacent To Residential District.	0.90

ISR = Impervious Surface Ratio

7.1. **M-1, Light Manufacturing District** - Within the areas designated M-1 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

7.1.1. **Intent** - The intent of the **M-1 (Light Manufacturing District)** is to allow a versatile range of wholesale and light industrial establishments in areas suitable for this type of development. The district is designed to promote economic development, while minimizing potential conflicts that can arise from wholesale and light industrial development. The M-1 district shall be located on or have access to major thoroughfares and shall be served by all existing utilities.

7.1.2. **Uses Permitted** - Permitted uses of the M-1 district are listed in Table 4 of this ordinance.

7.1.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the standards outlined in Article 12, Section 9 of this ordinance shall apply.

7.1.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 7.1.2 and 7.1.3 are prohibited in the M-1 district.

7.1.5. **Minimum Lot Area**

a.	All Uses	2 (two) acres

7.1.6. **Maximum Lot Area**

a.	All Uses	None

7.1.7. **Minimum Lot Width at the Street Right-of-Way Line**

a.	All Uses	200 Feet

7.1.8. **Minimum Required Front Yard**

a.	All Lots	50 feet

7.1.9. Minimum Required Side Yard on Each Lot

a.	All Uses	No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

7.1.10. Minimum Required Rear Yard

a.	All Uses	20 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 feet.

7.1.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.75.

7.1.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 7.1.5 through 7.1.11 are met.

7.1.13. Height Regulations - The maximum height of all structures shall be as follows:

a. No building shall exceed three stories or 35 feet in height.

b. No accessory building shall exceed two stories in height.

c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

7.1.14. **Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

7.1.15. **Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.

7.1.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.

7.1.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.

7.1.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Piperton.

7.2. **M-2, Heavy Manufacturing District** - Within the areas designated M-2 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

7.2.1. **Intent** - The intent of the **M-2 (Heavy Manufacturing District)** is to place and regulate uses that are potentially hazardous and obnoxious but desirable for economic development in areas where their potential nuisances will be minimized. The M-2 zone shall be located on or have access to major thoroughfares and shall be required to be served by all available utilities.

7.2.2. **Uses Permitted** - Permitted uses of the M-2 district are listed in Table 4 of this ordinance.

7.2.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions - The City of Piperton has determined that certain uses may cause additional nuisances

or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards contained in Article 12, Section 9 of this ordinance shall apply

7.2.4. **Uses Prohibited** - Any use not specifically permitted or requiring a special use permit per sections 7.2.2 and 7.2.3 are prohibited in the M-2 district

7.2.5. **Minimum Lot Area**

a.	All Uses	Five (5) Acres

7.2.6. **Maximum Lot Area**

a.	All Uses	None

7.2.7. **Minimum Lot Width at the Street Right-of-Way Line**

a.	All Uses	300 feet

7.2.8. **Minimum Required Front Yard**

a.	All lots.	50 feet

7.2.9. **Minimum Required Side Yard on Each Lot**

a.	All Uses	No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

7.2.10. **Minimum Required Rear Yard**

a.	All Uses	25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 50 feet.

7.2.11. **Maximum Impervious Surface Ratio** - The maximum impervious surface ratio for all lots is 0.90.

7.2.12. **Maximum Number of Principal Buildings Permitted** - None provided that the provisions of 7.2.5 through 7.2.11 are met.

7.2.13. **Height Regulations** - The maximum height of all structures shall be as follows:

a. No building shall exceed three stories or 35 feet in height.
b. No accessory building shall exceed two stories in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

7.2.14. **Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

7.2.15. **Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.

7.2.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11 and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.

7.2.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.

7.2.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issues. The site plan shall be kept in the permanent files of the City of Piperton.

7.3 **M-3, Planned Industrial Park Manufacturing District** – Within the areas designated M-3 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply:

7.3.1. **Intent** – The intent of the **M-3 (Planned Industrial Park Manufacturing District)** is to place and regulate uses that are potentially hazardous and obnoxious but desirable for economic development in areas where their potential nuisances will be minimized. It is also the intent of this section to recognize the planned nature and special requirements of the Chickasaw Trails Industrial Park. The M-3 zone shall be located in an area south of U. S. Highway 72, south of a buffer commercial zone, in the area designated for the Chickasaw Trails Industrial Park.

7.3.2. **Uses Permitted** – Permitted uses of the M-3 district are listed in Table 4 of this Ordinance.

7.3.3. **Special Exceptions** – Special exceptions are listed in Table 4 of this Ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions – The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards contained in Article 12, Section 9 of this Ordinance shall apply.

7.3.4. **Uses Prohibited** – Any use not specifically permitted or requiring a special use permit per sections 7.3.2 and 7.3.3 are prohibited in the M-3 district.

7.3.5 **Minimum Lot Area**

a.	All Uses	Two (2) acres with access to sewer Five (5) acres without access to sewer

7.3.6 **Maximum Lot Area**

a.	All Uses	None

7.3.7 **Minimum Lot Width at the Street Right-of-Way Line**

a.	All Uses	300 feet

7.3.8 **Minimum Required Front Yard**

a.	All lots.	50 feet

7.3.9 **Minimum Required Side yard on Each Lot**

a.	All Uses	No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

7.3.10 **Minimum Required Rear Yard**

a.	All Uses	25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 50 feet.

7.3.11 **Maximum Impervious Surface Ratio** – The maximum impervious surface ratio for all lots is 0.90.

7.3.12 **Maximum Number of Principal Buildings Permitted** – None, provided that the provisions of 7.3.5 through 7.3.11 are met.

7.3.13 **Height Regulations** – The maximum height of all structures shall be as follows:

a. No building shall exceed three stories or 35 feet in height.
b. No accessory building shall exceed two stories in height.
c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

7.3.14 **Parking** – Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this Ordinance.

7.3.15 **Display and Storage of Merchandise and Other Materials** – All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and

public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.

7.3.16 **Landscaping, Screening and Fencing** – Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11 and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this Ordinance.

7.3.17 **Lighting** – Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements of Article 11 of this Ordinance.

7.3.18 **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this Ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Piperton.

TABLE 4 - PERMITTED USES AND SPECIAL EXCEPTIONS

CONSTRUCTION

	B-1	B-2	B-3	O	M-1	M-2	M-3
GENERAL BUILDING CONTRACTORS							
Residential Building Construction					S	S	R
Operative Builders					S	S	R
Nonresidential Building Construction					S	S	R
HEAVY CONSTRUCTION, EX. BUILDING							
Highway and Street Construction						S	R
Heavy Construction, Except Highway						S	R
SPECIAL TRADE CONTRACTORS							
Plumbing, Heating, Air-Conditioning					R	R	R
Painting and Paper Hanging					R	R	R
Electrical Work					R	R	R
Masonry, Stonework, and Plastering					R	R	R
Carpentry and Floor Work					R	R	R
Roofing, Siding, and Sheet Metal Work					R	R	R
Concrete Work						S	R
Water Well Drilling						S	R
Misc. Special Trade Contractors							
• Structural steel erection						S	R
• Glass and glazing work					S	S	R
• Excavation work						S	R
• Wrecking and demolition work						S	R
• Installing building equipment, NEC						S	R
• Special trade contractors, NEC					S	S	R

NEC Not Elsewhere Coded
R Use Permitted by Right
S Special Exception

TRANSPORTATION AND PUBLIC UTILITIES

	B-1	B-2	B-3	O	M-1	M-2	M-3
LOCAL AND INTERURBAN PASSENGER TRANSIT							
Local and Suburban Transportation						S	R
Taxicabs						S	R
Intercity and Rural Bus Transportation						S	R
Bus Charter Service						S	R
School Buses						S	R
Bus Terminal and Service Facilities						S	R
TRUCKING AND WAREHOUSING							
Trucking & Courier Service, Ex. Air							
• Local trucking, without storage					S	S	R
• Trucking, except local						S	R
• Local trucking with storage						S	R
• Courier services, except by air					S	S	R
Public Warehousing and Storage							
• Farm product warehousing and storage						S	R
• Refrigerated warehousing and storage						S	R
• General warehousing and storage (Self Storage)		S	S		S	S	R
• Special warehousing and storage, NEC		S	S		S	S	S
Trucking Terminal Facilities						S	R
U.S. POSTAL SERVICE							
Postal Service					S	S	R

TRANSPORTATION AND PUBLIC UTILITIES (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
TRANSPORTATION BY AIR							
Air Transportation, Scheduled						S	S
Air Transportation, Nonscheduled						S	S
Airports, Flying Fields, & Services						S	S
TRANSPORTATION SERVICES							
Passenger Transportation Arrangement						S	R
Freight Transportation Arrangement						S	R
Rental of Railroad Cars						S	R
Miscellaneous Transportation Services						S	R
• Packing and crating					S	S	R
• Inspection & fixed facilities						S	R
• Transportation services, NEC						S	R
COMMUNICATIONS							
Telephone Communications (except Communications Towers)	S	S	S	S	S	S	R
Communications Towers	S	S	S	S	S	S	S
Telegraph & Other Communications	S	S	S	S	S	S	S
Radio and Television Broadcasting		S	S	S			
Cable and Other Pay TV Service		S	S	S	S	S	R
Communications Service, NEC	S	S	S	S	S	S	S
ELECTRICAL GAS, AND SANITARY SERVICES							
Electric Services	S	S	S	S	S	S	S
Gas Production and Distribution	S	S	S	S	S	S	S
Combination Utility Services	S	S	S	S	S	S	S
Water Supply	S	S	S	S	S	S	S
Sanitary Services	S	S	S	S	S	S	S

WHOLESALE TRADE

	B-1	B-2	B-3	O	M-1	M-2	M-3
WHOLESALE TRADE-DURABLE GOODS							
Motor Vehicles, Parts, and Supplies					S	S	
• Automobiles and other motor vehicles					S	S	R
• Motor vehicle supplies and new parts					S	S	R
• Tires and tubes					R	R	R
• Motor vehicle parts, used					S	S	S
Furniture and Home furnishings					R	S	R
Lumber and Construction Materials					R	S	R
Professional & Commercial Equipment							
• Photographic equipment and supplies					R		R
• Office equipment					R		R
• Computers, peripherals & software					R		R
• commercial equipment, NEC					R		R
• Medical and hospital equipment					R		R
• Ophthalmic goods					R		R
• Professional equipment, NEC					R		R
Metals and Minerals, Except Petroleum						R	R
Electrical Goods					R		R
Hardware, Plumbing & Heating Equipment					R		R
Machinery, Equipment, and Supplies					R		R
Miscellaneous Durable Goods							
• Sporting & recreational goods					R		R
• Toys and hobby goods and supplies					R		R
• Scrap and waste materials					R		R
• Jewelry & precious stones		R	R		R		R
• Durable goods, NEC					R		R
WHOLESALE TRADE-NONDURABLE GOODS							
Paper and Paper Products					R		R
Drugs, Proprietaries, and Sundries					R		R
Apparel, Piece Goods, and Notions					R		R
Groceries and Related Products					R		R
Farm-Produced Raw Materials					R		R
Chemicals and Allied Products						S	S
Petroleum and Petroleum Products						S	S
Beer, Wine, and Distilled Beverages					R		R

RETAIL TRADE

	B-1	B-2	B-3	O	M-1	M-2	M-3
BUILDING MATERIALS & GARDEN SUPPLIES							
Lumber and Other Building Materials		R	R		R		
Paint, Glass, and Wallpaper Stores	R	R	R				
Hardware Stores	R	R	R				
Retail Nurseries and Garden Stores	R	R	R				
Mobile Home Dealers					S	S	S
Brick, Stone, Aggregate and Sand					R		
GENERAL MERCHANDISE STORES							
Department Stores		R	R				
Variety Stores	R	R	R				
Misc. General Merchandise Stores	R	R	R				
FOOD STORES							
Grocery Stores	R	R	R	S	S	S	S
Meat and Fish markets	R	R	R				
Fruit and Vegetables Markets	R	R	R				
Candy, Nuts, and Confectionery Stores	R	R	R				
Dairy Products Stores	R	R	R				
Retail Bakeries	R	R	R				
Miscellaneous Food Stores	R	R	R				
AUTOMOTIVE DEALERS & SERVICE STATIONS							
New and Used Car Dealers					R		
Used Car Dealers					R		
Auto and Home Supply Stores	R	R	R		R		
Gasoline Service Stations	R	R	R				
Boat Dealers			R		R		
Recreational Vehicle Dealers			R		R		
Motorcycle Dealers			R		R		
Automotive Dealers, NEC			R		R		
APPAREL AND ACCESSORY STORES							
Men's & Boys' Clothing Stores		R	R				
Women's Clothing Stores		R	R				
Women's Accessory & Specialty Stores		R	R				

RETAIL TRADE (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
Children's and Infants' Wear Stores		R	R				
Family Clothing Stores		R	R				
Shoe Stores		R	R				
Misc. Apparel & Accessory Stores		R	R				
FURNITURE AND HOME FURNISHINGS STORES							
Furniture and Home Furnishings Stores		R	R				
Household Appliance Stores		R	R				
Radio, Television, & Computer Stores		R	R				
EATING AND DRINKING PLACES							
Eating Places	R	R	R	S	S	S	S
Drinking Places	S	R	R	S	S	S	S
MISCELLANEOUS RETAIL							
Drug Stores and Proprietary Stores	R	R	R				
Liquor Stores		R	R				
Used Merchandise Stores	R	R	R				
Miscellaneous Shopping Goods Stores							
• Sporting goods and bicycle shops	R	R	R				
• Book stores	R	R	R				
• Stationery stores	R	R	R				
• Jewelry stores	R	R	R				
• Hobby, toy, and game shops	R	R	R				
• Camera & photographic supply stores	R	R	R				
• Gift, novelty, and souvenir shops	R	R	R				
• Luggage and leather goods stores		R	R				
• Sewing, needlework, and piece goods	R	R	R				
Nonstore Retailer							
• Catalog and mail-order houses			R		R		R
• Merchandising machine operators			R		R		R
• Direct selling establishments			R		R		R
Fuel Dealers							
• Fuel Oil dealers		S	S		S	R	R
• Liquefied petroleum gas dealers		S	S		S	R	R

RETAIL TRADE (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
Retail Stores, NEC							
• Florists	R	R	R				
• Tobacco stores and stands	R	R	R	S	S	S	S
• News dealers and newsstands	R	R	R	S	S	S	S
• Optical goods stores	R	R	R				
• Miscellaneous retail stores, NEC	S	R	R				

FINANCE, INSURANCE, AND REAL ESTATE

	B-1	B-2	B-3	O	M-1	M-2	M-3
DEPOSITORY INSTITUTIONS							
Central Reserve Depositories		R	R	R			
Commercial Banks	R	R	R	R			
Savings Institutions	R	R	R	R			
Credit Unions	R	R	R	R			
Foreign Bank & Branches & Agencies	R	R	R	R			
Functions Closely Related to Banking	R	R	R	R			
NON-DEPOSITORY INSTITUTIONS							
Federal & Fed.-Sponsored Credit		R	R	R			
Personal Credit Institutions		R	R	R			
Business Credit Institutions		R	R	R			
Mortgage Bankers and Brokers		R	R	R			
SECURITY AND COMMODITY BROKERS							
Security Brokers and Dealers		R	R	R			
Commodity Contracts Brokers, Dealers		R	R	R			
Security and Commodity Exchanges		R	R	R			
Security and Commodity Services		R	R	R			
INSURANCE CARRIERS							
Life Insurance	R	R	R	R			
Medical Service and Health Insurance	R	R	R	R			
Fire, Marine, and Casualty Insurance	R	R	R	R			
Surety Insurance		R	R	R			
Title Insurance		R	R	R			
Pension, Health, and Welfare Funds		R	R	R			
Insurance Carriers, NEC	R	R	R	R			
INSURANCE AGENTS, BROKERS & SERVICE							
Insurance Agents, Brokers, & Service	R	R	R	R			
REAL ESTATE							
Real Estate Operators and Lessors	R	R	R	R			
Real Estate Agents and Managers	R	R	R	R			
Title Abstract Offices		R	R	R			
Subdividers and Developers		R	R	R			

FINANCE, INSURANCE, AND REAL ESTATE (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
HOLDING AND OTHER INVESTMENT OFFICES							
Holding Offices	R	R	R	R			
Investment Offices	R	R	R	R			
Trusts	R	R	R	R			
Miscellaneous Investing	R	R	R	R			

AGRICULTURE, FORESTRY AND FISHING

	B-1	B-2	B-3	O	M-1	M-2	M-3
AGRICULTURAL SERVICES							
Soil Preparation Services							
• Soil preparation services						S	R
Crop Services							
• Crop planting and protecting						S	R
• Crop harvesting						S	R
• Crop preparation services for market						S	R
• Cotton ginning						S	R
Veterinary Services							
• Veterinary services for livestock					S	S	R
• Veterinary services, specialties					S	S	R
Landscape and Horticultural Services							
• Landscape counseling and planning		R	R		R		
• Lawn and garden services		R	R		R		
• Ornamental shrub and tree services		R	R		R		

SERVICES

	B-1	B-2	B-3	O	M-1	M-2	M-3
HOTELS AND OTHER LODGING PLACES							
Hotels and Motels		R	R	R			
PERSONAL SERVICES							
Laundry, Cleaning, & Garment Services	S	R	R				
Photographic Studios, Portrait	R	R	R				
Barber Shops	R	R	R				
Shoe repair and Shoeshine Parlors	R	R	R				
Funeral Service and Crematories		R	R				
Miscellaneous Personal Service	S	R	R				
Tax Return Preparation Service	R	R	R				
Miscellaneous Personal Services, NEC	S	R	R				
BUSINESS SERVICES							
Advertising		R	R				
Credit Reporting and Collection		R	R				
Mailing, Reproduction, Stenographic		R	R				
Services to Buildings							
• Disinfecting & pest control services		S	S		S	S	R
• Building maintenance services, NEC		S	S		R	R	R
Misc. Equipment Rental & Leasing							
• Medical equipment rental					R		R
• Heavy construction equipment rental						S	R
• Equipment rental & leasing, NEC					S	S	R
Personnel Supply Services							
• Employment agencies		R		R			
Computer and Data Processing services							
• Computer programming services	R	R	R	R			
• Prepackaged software	R	R	R	R			
• Computer integrated systems design	R	R	R	R			
• Data processing and preparation	R	R	R	R			
• Information retrieval services	R	R	R	R			
• Computer facilities management	R	R	R	R			
• Computer rental & leasing		R	R	R			
• Computer maintenance & repair		R	R	R			
• Computer related services, NEC		R	R	R			
Miscellaneous Business Services							
• Detective & armored car services		R	R				
• Security systems services		R	R				
• News syndicates		R	R	R			

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Photofinishing laboratories		S	S				
• Business services, NEC		R	R	R			
AUTO REPAIR, SERVICES, AND PARKING							
Automotive Rentals, No Drivers							
• Truck rental and leasing, no drivers					R		R
• Passenger car rental		R	R				
• Passenger car leasing		R	R				
• Utility trailer rental					R		R
Automotive Repair Shops							
• Top & body repair & paint shops					R		R
• Auto exhaust system repair shops			R		R		R
• Tire retreading and repair shops							R
• Automotive glass replacement shops			R		R		R
• Automotive transmission repair shops							R
• General automotive repair shops		S	R				
• Automotive repair shops, NEC			R		R		R
Automotive Service, Except Repair							
• Carwashes		S	S		S		S
• Automotive services, NEC		S	S		S		S
MISCELLANEOUS REPAIR SERVICES							
Electrical Repair Shops		R	R		R		R
• Radio and television repair		R	R		R		R
• Refrigeration service and repair		R	R		R		R
• Electrical repair shops, NEC		R	R		R		R
Watch, Clock, and Jewelry repair		R	R		R		R
Reupholstery and Furniture Repair		R	R		R		R
Miscellaneous Repair Shops		R	R		R		R

SERVICES (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Welding repair					R		R
• Armature rewinding shops					R		R
• Repair services, NEC		R	R		R		R
MOTION PICTURES							
Motion Picture Theaters		R	R	R			
Video Tape Rental	R	R	R				
AMUSEMENT & RECREATION SERVICES							
Dance Studios, Schools, and Halls		R	R				
Producers, Orchestras, Entertainers		R	R	R			
Bowling Centers		R	R				
Commercial Sports							
• Sports clubs, managers, & promoters		R	R				
Misc. Amusement, Recreation Services							
• Physical fitness facilities	S	R	R	S	S	S	
• Public golf courses							
• Coin-operated amusement devices	S	R	R				
• Amusement parks							
• Membership sports & recreation clubs		R	R				
• Amusement and recreation, NEC							
HEALTH SERVICES							
Offices & Clinics of Medical Doctors	R	R	R	R			
Offices and Clinics of Dentist	R	R	R	R			
Offices of Osteopathic Physicians	R	R	R	R			
Offices of Other Health Practitioners	R	R	R	R			
• Offices and clinics of chiropractors	R	R	R	R			
• Offices and clinics of optometrists	R	R	R	R			
• Offices of health practitioners, NEC	S	R	R	R			
• Offices and clinics of podiatrists	R	R	R	R			

SERVICES (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
LEGAL SERVICES							
Legal Services	R	R	R	R			
EDUCATIONAL SERVICES							
Elementary and Secondary Schools	S						
Colleges and Universities		R	R	R			
Libraries	S	R	R	R			
Vocational Schools		R	R	R			
Schools & Educational Services, NEC		R	R	R			
SOCIAL SERVICES							
Individual and Family Services		R	R	R			
Job Training and Related Services		R	R	R			
Day Care Center	S	S	S	S			
Adult Care Center	S	S	S	S			
Social Security, NEC		R	R	R			
MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS							
Museums and Art Galleries		R	R	R			
Botanical and Zoological Gardens		R	R				
MEMBERSHIP ORGANIZATIONS							
Business Associations	R	R	R	R			
Professional Organizations	R	R	R	R			
Labor Organizations	R	R	R	R			
Civic and Social Associations	R	R	R	R			
Political Organizations	R	R	R	R			
Religious Organizations	R	R	R	R			
Membership Organizations, NEC	R	R	R	R			
ENGINEERING & MANAGEMENT SERVICES							
Engineering & Architectural Services		R	R	R			
Accounting, Auditing, & Bookkeeping		R	R	R			
Research and Testing Services		S	S	S			
Management and Public Relations		R	R	R			
SERVICES, NEC							
Services, NEC	S	S	S	S			

PUBLIC ADMINISTRATION

	B-1	B-2	B-3	O	M-1	M-2	M-3
PUBLIC ADMINISTRATION							
Public Administration	R	R	R	R			
EXECUTIVE, LEGISLATIVE, AND GENERAL							
Executive Offices		R	R	R			
Legislative Bodies		R	R	R			
Executive and Legislative Combined		R	R	R			
General Government, NEC		R	R	R			
JUSTICE, PUBLIC, ORDER, AND SAFETY							
Courts		R	R	R			
Public Order and Safety							
• Police Protection	R	R	R	R	R	R	R
• Legal counsel and prosecution		R	R	R			
• Fire protection	R	R	R	R	R	R	R
• Public order and safety, NEC		R	R	R	R	R	R
FINANCE, TAXATION, MONETARY POLICY							
Finance, taxation, & Monetary Policy		R	R	R			
ADMINISTRATION OF HUMAN RESOURCES							
Admin. of Educational Programs				R			
Admin. of Public Health Programs				R			
Admin. of Social & Manpower Programs				R			
Administration of Veterans' Affairs				R			
ENVIRONMENTAL QUALITY AND HOUSING							
Environmental Quality				R			
Housing and Urban Development				R			
• Housing programs				R			
• Urban and community development				R			
ADMIN. OF ECONOMIC PROGRAMS							
Admin. of General Economic Programs				R			
Regulation, Admin. of Transportation				R			
Regulation, Admin., of Utilities				R			
Regulation of Agricultural Marketing				R			
Regulation Misc. Commercial Sectors				R			
Space Research and technology				R			
NATIONAL SECURITY AND INTL. AFFAIRS							
National Security				R			
International Affairs				R			
NONCLASSIFIABLE ESTABLISHMENTS							
Nonclassifiable establishments				R			

MANUFACTURING

	B-1	B-2	B-3	O	M-1	M-2	M-3
FOOD AND KINDRED PRODUCTS							
Dairy Products							
• Creamery butter						R	R
• Cheese, natural and processed						R	R
• Dry, condensed, evaporated products						R	R
• Ice cream and frozen desserts						R	R
• Fluid milk						R	R
Preserved Fruits and Vegetables							
• Canned specialties						R	R
• Canned fruits and vegetables						R	R
• Dehydrated fruits, vegetables, soups						R	R
• Pickles, sauces, and salad dressings						R	R
• Frozen fruits and vegetables						R	R
• Frozen specialties, nec						R	R
Grain Mill Products							
• Flour and other grain mill products						R	R
• Cereal breakfast foods						R	R
• Rice milling						R	R
• Prepared flour mixes and dough						R	R
• Wet corn milling						R	R
• dog and cat food						R	R
• Prepared feeds, nec						R	R
Bakery Products							
• Breads, cake, and related, products						R	R
• Cookies and crackers						R	R
• Frozen bakery products, except bread						R	R
Sugar and Confectionery Products							
• Candy & other confectionery products						R	R
• Chocolate and cocoa products						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Chewing gum						R	R
• Slated and roasted nuts and seeds						R	R
Beverages							
• Bottled and canned soft drinks						R	**R**
TEXTILE MILL PRODUCTS							
Broadwoven Fabric Mills, Cotton						R	R
Broadwoven Fabric Mills, Manmade						R	R
Broadwoven Fabric Mills, Wood						R	R
Narrow Fabric Mills						R	R
Knitting Mills						R	R
Textile Finishing, Except Wood						R	R
• Finishing plants, cotton						R	R
• Finishing plants, manmade						R	R
• Finishing plants, nec						R	R
Carpets and rugs						R	R
Yarn and Thread Mills							
• Yarn spinning mills						R	R
• Throwing and winding mills						R	R
• Thread mills						R	R
Miscellaneous Textile Goods							
• Coated fabrics, not rubberized						R	R
• Tire cord and fabrics						R	R
• Nonwoven fabrics						R	R
• Cordage and twine						R	R
• Textile goods, nec						R	R
APPAREL AND OTHER TEXTILE PRODUCTS							
Men's and Boys' Suits and Coats						R	R
Men's and Boys Furnishings						R	R
Women's and Misses' Outerwear						R	R
Women's and Children's Undergarments						R	R
Hats, Caps, and Millinery						R	R
Girls' and Children's Outerwear						R	R
Fur Goods						R	R
Miscellaneous Apparel and Accessories							
• Fabric dress and work gloves						R	R
• Robes and dressing gowns						R	R
• Waterproof outerwear						R	R
• Leather and sheep-lined clothing						R	R

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Apparel belts						R	R
• Apparel and accessories, nec						R	R
Misc. Fabricated Textile Products							
• Curtains and draperies						R	R
• Housefurnishings, nec						R	R
• Textile bags						R	R
• Canvas and related products						R	R
• Pleating and stitching						R	R
• Automotive and apparel trimmings						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Schiffi machine embroideries						R	R
• Fabricated textile products, nec						R	R
LUMBER AND WOOD PRODUCTS							
Logging						R	R
Sawmills and Planing Mills						R	R
Millwork, Plywood & Structural Members							
• Millwork						R	R
• Wood kitchen cabinets					R	R	R
• Hardwood veneer and plywood						R	R
• Softwood veneer and plywood						R	R
• Structural wood members, nec						R	R
Wood Containers							
• Nailed wood boxes and shook						R	R
• Wood pallets and skids						R	R
• Wood pallets and skids						R	R
• Wood containers, nec						R	R
Wood Buildings and Mobile Homes							
• Mobile homes						R	R
• Prefabricated wood buildings						R	R
Miscellaneous Wood Products							
• Wood preserving						R	R
• Reconstituted wood products						R	R
• Wood products, nec						R	R
FURNITURE AND FIXTURES							
Household Furniture							
• Wood household furniture						R	R
• Upholstered household furniture						R	R
• Metal household furniture						R	R
• Mattresses and bedsprings						R	R
• Wood TV and radio cabinets						R	R
• Household furniture, nec						R	R
Office Furniture							
• Wood office furniture						R	R
• Office furniture, except wood						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
Public Building & Related Furniture						R	R
Partitions and Fixtures						R	R
Miscellaneous Furniture and Fixtures						R	R
PRINTING AND PUBLISHING							
Newspapers					R	R	R
Periodicals					R	R	R
Books					R	R	R
Miscellaneous Publishing					R	R	R
Commercial Printing					R	R	R
Manifold Business Forms					R	R	R
Greeting Cards					R	R	R
Blankbooks' and Bookbinding					R	R	R
Printing trade Services					R	R	R
CHEMICALS AND ALLIED PRODUCTS							
Industrial Inorganic Chemicals						S	S
Plastics Materials and Synthetics						S	S
Drugs							
• Medicinal and botanicals						S	S
• Pharmaceutical preparations						S	S
• Diagnostic substances						S	S
• Biological products exc. diagnostic						S	S
Soap, Cleaners, and Toilet Goods							
• Soap and other detergents						S	S
• Polishes and sanitation goods						S	S
• Surface active agents						S	S
• Toilet preparations						S	S
Paints and Allied Products						S	S
Industrial Organic Chemicals							
• Gum and wood chemical						S	S
• Cyclic crude's and intermediates						S	S
• Industrial organic chemicals, nec						S	S
Agricultural Chemicals							
• Nitrogenous fertilizers						S	S
• Phosphatic fertilizers						S	S
• Fertilizers, mixing only						S	S
• Agricultural chemicals, nec						S	S
Miscellaneous Chemical Products							
• Adhesives and sealants						S	S
• Printing ink						S	S
•							

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Carbon black						S	S
• Chemical preparations, nec						S	S
RUBBER AND MISC. PLASTICS PRODUCTS							
Miscellaneous Plastics Products, NEC						R	R
• Unsupported plastics film & sheet						R	R
• Unsupported plastics profile shapes						R	R
• Laminated plastics plate & sheet						R	R
• Plastics pipe						R	R
• Plastics bottles						R	R
• Plastics foam products						R	R
• Custom compound purchased resins						R	R
• Plastics plumbing fixtures						R	R
• Plastics products, nec						R	R
STONE, CLAY, AND GLASS PRODUCTS							
Flat Glass						R	R
Glass and Glassware, Pressed or Blown						R	R
Products of Purchased Glass						R	R
Cement, Hydraulic						R	R
Structural Clay Products							
• Brick and structural clay tile						R	R
• Ceramic wall and floor tile						R	R
• Clay refractories						R	R
• Structural clay products, nec						R	R
Pottery and related Products							
• Vitreous plumbing fixtures						R	R
• Vitreous china table & kitchenware						R	R
• Semivitreous table & kitchenware						R	R
• Porcelain electrical supplies						R	R
• Pottery products, nec						R	R
Concrete, Gypsum, and Plaster Products							
• Concrete block and brick						R	R
• Concrete products, nec						R	R
• Ready-mixed concrete						R	R
• Lime						R	R
• Gypsum products						R	R
Cut Stone and Stone Products						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
FABRICATED METAL PRODUCTS							
Metal Cans and Shipping Containers						R	R
Cutlery, Handtools, and Hardware						R	R
Plumbing and Heating, Except Electric							
• Metal sanitary ware						R	R
• Plumbing fixture fittings and trim						R	R
• Heating equipment, except electric						R	R
Fabricated Structural Metal Products							
• Fabricated structural metal						R	R
• Metal doors, sash, and trim						R	R
• Fabricated plate work (boiler shops)						R	R
• Sheet metal work						R	R
• Architectural metal work						R	R
• Prefabricated metal buildings						R	R
• Miscellaneous metal work						R	R
Screw Machine Products, Bolts, Etc.						R	R
Misc. Fabricated Metal Products							
• Industrial valves						R	R
• Fluid power valves & Hose fittings						R	R
• Steel springs, except wire						R	R
• Valves and pipe fittings, nec						R	R
• Wire springs						R	R
• Misc. fabricated wire products						R	R
• Metal foil and leaf						R	R
• Fabricated pipe and fittings						R	R
• Fabricated metal products, nec						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
INDUSTRIAL MACHINERY AND EQUIPMENT							
Engines and Turbines						R	R
Construction and Related Machinery							
• Elevators and moving stairways						R	R
• Conveyors and conveying equipment						R	R
Metalworking Machinery							
Special Industry Machinery							
• Textile machinery						R	R
• Woodworking machinery						R	R
• Paper industries machinery						R	R
• Printing trades machinery						R	R
• Food products machinery						R	R
• Special industry machinery, nec						R	R
General Industrial Machinery							
• Pumps and pumping equipment						R	R
• Ball and roller bearings						R	R
• Air and gas compressors						R	R
• Blowers and fans						R	R
• Packaging machinery						R	R
• Speed changers, drives, and gears						R	R
• Industrial furnaces and ovens						R	R
• Power transmission equipment, nec						R	R
• General industrial machinery, nec						R	R
Computer and Offices Equipment							
• Electronic computers					R	R	R
• Computer storage devices					R	R	R
• Computer terminals					R	R	R
• Computer peripheral equipment, nec					R	R	R
• Calculating and accounting equipment					R	R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Office machines, nec					R	R	R
Refrigeration and Service Machinery							
• Automatic vending machines						R	R
• Commercial laundry equipment						R	R
• Measuring and dispensing pumps						R	R
• Service industry machinery, nec						R	R
Industrial Machinery, NEC							
• Carburetors, pistons, rings, valves						R	R
• Fluid power cylinders & actuators						R	R
• Fluid power pumps and motors						R	R
• Scales and balances, exc. laboratory						R	R
• Industrial machinery, nec						R	R
ELECTRONIC & OTHER ELECTRIC EQUIPMENT							
Electric Distribution Equipment							
• Transformers, except electronic						R	R
• Switchgear and switchboard apparatus						R	R
Electrical Industrial Apparatus							
• Motors and generators						R	R
• Carbon and graphite products						R	R
• Relays and industrial controls						R	R
• Electrical industrial apparatus, nec						R	R
Household Appliances							
• Household cooking equipment						R	R
• Household refrigerators and freezers						R	R
• Household laundry equipment						R	R
• Electric housewares and fans						R	R
• Household vacuum cleaners						R	R
• Household appliances, nec						R	R
Electric Lighting and Wiring Equipment							
• Electric lamps						R	R
• Current-carrying wiring devices						R	R
• Noncurrent-carrying wiring devices						R	R
• Residential lighting fixtures						R	R
• Vehicular lighting equipment						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Lighting equipment, nec						R	R
Household Audio and Video equipment						R	R
Communications Equipment						R	R
Electronic Components and Accessories						R	R
Misc. electrical Equipment & Supplies							
• Engine electrical equipment						R	R
• Magnetic and optical recording media						R	R
• Electrical equipment & supplies, nec						R	R
TRANSPORTATION EQUIPMENT							
Motor Vehicle and Equipment							
• Motor vehicles and car bodies						R	R
• Truck and bus bodies						R	R
• Motor vehicle parts and accessories						R	R
• Truck trailers						R	R
• Motor homes						R	R
Aircraft and Parts						R	R
Railroad Equipment						R	R
Motorcycles, Bicycles, and Parts						R	R
Miscellaneous Transportation Equipment							
• Travel trailers and campers						R	R
• Tanks and tank components						R	R
• Transportation equipment, nec						R	R
INSTRUMENTS AND RELATED PRODUCTS							
Search and Navigation Equipment						R	R
Measuring and Controlling Devices							
• Laboratory apparatus and furniture						R	R
• Environmental controls						R	R
• Process control instruments						R	R
• Fluid meters and counting devices						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Instruments to measure electricity						R	R
• Analytical instruments						R	R
• Optical instruments and lenses						R	R
• Measuring & Controlling devices, nec						R	R
Medical Instruments and Supplies							
• Surgical and medical instruments						R	R
• Surgical appliances and supplies						R	R
• Dental equipment and supplies						R	R
• Electrochemical equipment						R	R
Ophthalmic goods						R	R
Photographic Equipment and Supplies						R	R
Watches, Clocks, Watchcases & Parts						R	R
MISCELLANEOUS MANUFACTURING INDUSTRIES							
Jewelry, Silverware, and Plated Ware						R	R
Musical Instruments						R	R
Toys and Sporting Goods						R	R
Pens, Pencils, Office & Art Supplies						R	R
Costume Jewelry and Notions					R	R	R
Miscellaneous Manufactures							
• Brooms and brushes						R	R
• Signs and advertising specialties					R	R	R
• Burial caskets						R	R
• Hard surface floor coverings, nec						R	R

ARTICLE 8

PROVISIONS GOVERNING SIGNS

8.1. **Purpose** - The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. This sign ordinance is adopted under the police powers granted by the State of Tennessee in furtherance of the protection of the health, safety, and general welfare of the public at large. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

8.2. **Applicability – Effect** – A sign may be created, erected, placed, established, relocated, altered or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

To establish a permit system to allow for a variety of types of signs in non-residential zone districts and a limited variety of signs in residential zone districts, subject to the standards and the permit procedures of this ordinance;

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

To prohibit all signs not expressly permitted by this ordinance;

To provide for the enforcement of the provisions of this ordinance.

The provisions of this ordinance shall not apply retroactively to any sign legally installed prior to the date of effect of this ordinance except for:

(1) the maintenance, repair, and removal provisions of Section 8.8.9
(2) the transition provisions of Section 8.18.

A new permit shall be required prior to relocating or altering an existing lawful sign in any manner other than for normal maintenance.

Notwithstanding the above, replacing the permanent copy on an existing lawful sign shall not require a new permit, provided the copy change does not violate the intent of this ordinance.

8.3. General Provisions – The following provisions shall apply to all signs regulated by this ordinance.

Construction Standards – all signs shall be constructed and installed in accordance with the applicable provisions of the Southern Standard Building Code.

Electrical Standards – all illuminated signs shall be installed in accordance with applicable provisions of the Southern Standard Building Code, and all detached signs shall be illuminated by an underground electrical source. Where applicable, all applications for signs proposed to be illuminated shall be accompanied by an approved electrical permit.

Signs in Planned Developments – comprehensive signage programs within planned developments (i.e. *PD-O; TD-O; CD-O etc.*) may be approved by the Planning Commission and Board of Mayor and Commissioners as part of a planned development's Master Development Plan. Such comprehensive signage programs may propose overall performance standards that vary from the provisions of this ordinance. However, such variations may only be approved by the Planning Commission and Board of Mayor and Commissioners if it can be shown that the proposed variations are consistent with the design objectives of the planned development, and do not violate the intent of this ordinance.

No sign shall be located within a public right-of-way, except as permitted in Section 8.5., or placed so as to obstruct the clear sight triangle at a street intersection. Any sign installed or placed on public property, except in conformance with this ordinance, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

8.4. Definitions and Interpretations – Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the zoning ordinance of the city shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings and captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Alteration of Sign: A change in the copy, height, size, shape, color, construction material, or lighting of an existing lawful sign.

Building Face or Wall: All window and wall area of a building in one (1) plane or elevation.

City: The City of Piperton.

Complex: A unique grouping of lots and/or buildings relating to a common development and/or architectural theme.

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.

Copy: The wording or graphics on the sign surface.

District: As defined under the zoning ordinance or zoning map for the City of Piperton.

Emblem or Logo: A nationally registered image that reflects the principal trade activity of the applicable business. For the purposes of this ordinance, emblems or logos shall be included in the computation of the allotted sign square footage.

Erected: Means attached, altered, built, constructed, reconstructed, enlarged or relocated.

Face of Sign: The entire area of a sign on which copy can be placed; the area of a sign which is visible from one (1) direction as projected on a plane.

Flag: A piece of durable fabric, on which is displayed the emblem of any nation, state, city, or any fraternal, religious, or civic organization or other entity, and used as a symbol.

Ground Level: The immediate surrounding grade.

Height of Sign: The vertical distance measured from the surrounding grade to the highest point of the sign.

Interior Property Line: A property line other than that forming a dedicated public right-of-way.

Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Maintenance: The repair or replacement of individual sign components including panels; electrical wiring and bulbs; or paint, stuccoes or other exterior finishes.

Non-Commercial Message: Any sign wording, logo, or other representation that does not, directly or indirectly, name, advertise, or call attention to a business, product, service, or other commercial activity, nor contains characters, cartoons or statements of an obscene, indecent or immoral matter that would offend public morals or decency..

Owner: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Rights-of-Way (R.O.W.): The proposed rights-of-way as indicated on the official Major Road Plan or as set forth in the City's Subdivision Regulations.

Roof Line: The lowest edge of the main roof.

Setback: The minimum horizontal distance between either the face of the curb, the edge of the pavement, or the right-of-way line and the sign structure as specified in a particular section of this chapter.

Sign: Any identification, description, illustration or device, illuminated or non-illuminated, which is exposed to the view of potential clients or customers and/or the general public, is located on public or private property, inside or outside of buildings, and which directs attention to product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information. For the purposes of removal, signs shall also include all sign structures.

Sign, Abandoned: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

Sign, Advertising: A sign conveying a commercial message, and directing attention to a business, profession, commodity, service, or entertainment conducted, sold or offered off the premises where the sign is located and maintained. Advertising signs are prohibited under these sign provisions.

Sign, Animated: A sign that includes action or motion. This term does not refer to flashing or changing signs, all of which are separately defined. Animated signs are prohibited under these sign provisions.

Sign, Awning or Canopy: A sign that is mounted, painted or otherwise attached to an awning or canopy of permanent construction, projecting from the building face or wall above an entrance, door, window, outdoor service area, or projecting over walkways. For the purposes of these sign provisions, an awning or canopy sign shall be classified as a permanent sign, and as an attached sign.

Sign, Attached: A sign that is permanently attached or fastened to a building *(face or wall)*, awning or canopy or structurally independent wall or overhang.

Sign, Banner: Any sign printed or displayed upon cloth or any other flexible material, with or without frames. National flags, state or municipal flags shall not be considered banners. For the purposes of these sign provisions, a banner shall be classified as a temporary sign, and as an attached sign.

Sign, 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 which rotate or move. Beacons are prohibited under these sign provisions except as otherwise provided for herein.

Sign, Building Marker Identification: A sign constructed of concrete, bronze, or similar material conveying historical information limited to the name of the building, date of erection and other pertinent historical data. Building marker identification signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Business: A sign that directs the attention to a business, profession, commodity, service or entertainment, conducted, sold, or offered upon the same lot where the sign is located. For the purposes of these sign provisions, a business sign shall be classified as a temporary or permanent sign, and as an attached or detached sign.

Sign, Changeable Copy (Manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial letters. For the purposes of these sign provisions, a changeable copy sign (manual) shall be classified as a permanent sign, and as a detached sign.

Sign, Changeable Copy (Automatic): A sign that incorporates a fixed display screen on which copy is changed or altered electronically or through computerized means. These types of signs shall not contain intermittent or flashing light by means of animation, or an externally mounted light source as defined herein. For the purposes of these sign provisions, a changeable copy sign (automatic) shall be classified as a permanent sign, and as a detached sign.

Sign, Civic: A sign that identifies a nonprofit institution or organization, and contains the name of the institution or organization; the name or names of the persons connected with it; and greetings, announcements of events or activities occurring at the institution, or similar messages. For the purposes of these sign provisions, a civic sign shall be classified as a permanent sign, and as an attached or detached sign.

Sign, Complex: A sign that identifies the name of a complex. For the purposes of these sign provisions, a complex sign shall be classified as a permanent sign; and as a detached sign.

Sign, Conforming: A sign that is in compliance with all the provisions of this ordinance.

Sign, Construction: A sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project. For the purposes of these sign provisions, a construction sign shall be classified as a temporary sign, and as a detached sign.

Sign, Detached: A sign detached from any supporting elements of a building or as otherwise defined herein.

Sign, Directory: A sign, whose copy is limited to the name, use, and/or location of businesses/companies located in commercial, office or industrial complexes; or for multi-tenant buildings in any building or complex where one or more tenants does not have an exterior entrance. Directory signs shall be arranged in a uniform manner, and erected on a single structure. For the purposes of these sign provisions, a directory sign shall be classified as a permanent sign; and as an attached or detached sign.

Sign, Directional: A sign, whose copy is limited to directions for pedestrian or vehicular traffic on site including, but not limited to, signs to entrances, exits, parking areas or one-way drives. Directional signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Drive-Through (Menu Board): A sign adjacent to or otherwise visible from drive-through facilities that is designed to be read by motorists using the facilities. For the purposes of these sign provisions, a drive-through sign shall be classified as a permanent sign; and as an attached or detached sign.

Sign, Flashing: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source. Flashing signs are prohibited under these sign provisions.

Sign, Ground Mounted: A sign that is permanently mounted upon the ground, or mounted upon a support structure independent of any building. Support structures for ground signs shall not exceed two (2) feet in height and shall be included in the measurement of the sign height.

Sign, Illegal: A sign that contravenes this chapter, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

Sign, Incidental: A sign that conveys no commercial message, and is clearly incidental to the other principal, permitted signs on site. Incidental signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Memorial: A sign, tablet, or plaque memorializing a person, event, structure, or site. Memorial signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Nameplate: A sign giving the name or address, or both, of the owner or owner's premises (*i.e. farm, homestead*). Nameplate signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Nonconforming: Any sign that does not conform to the requirements of this ordinance.

Sign, 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 a series, designed to move in the wind. Pennants are prohibited under these sign provisions except as otherwise provided for herein.

Sign, Permanent: A sign that is not a Temporary Sign, as defined herein.

Sign, Pole: Any sign, other than a ground mounted sign, that is mounted on a freestanding pole so that the bottom edge of the sign face is two (2) feet or more above grade.

Sign, Political: A sign displaying the name and/or picture of an individual seeking election to public office or a sign otherwise relating to a forthcoming public election or referendum. Political signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by wheels; signs connected to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used as advertising; and signs attached to or painted on vehicles and visible from the public right-of-way. Portable signs are prohibited under these sign provisions.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall. Projecting signs are prohibited under these sign provisions.

Sign, Real Estate: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located. Real estate signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Residential: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises on which it is located, if offering such service at such location conforms

with all requirements of the zoning ordinance. Residential signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Residential Development: A sign erected off premises (as provided herein) describing and providing directions to, a new (less than one-year from date of platting) residential subdivision. For the purposes of these sign provisions, a residential development sign shall be classified as a temporary sign, and as a detached sign.

Sign, Roof: A sign that extends above the plate line or on the parapet of a building. Roof signs are prohibited under these sign provisions.

Sign, Show Window: Any sign advertising sales or specials attached to or within three (3) feet of the glass surface of any fixed window (glazing) visible from public rights-of-way. Show window signs are exempt from the permit requirements of this ordinance, subject to all applicable restrictions under Section 8.6.

Sign, Subdivision Entrance: A sign identifying the name of an approved residential, commercial, office, or industrial subdivision whose copy shall consist only of the name of the subdivision, and whose support structure has received approval from the planning commission as part of the subdivision approval. For the purposes of these sign provisions, a subdivision entrance sign shall be classified as a permanent sign; and as a detached sign.

Sign, Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. A suspended sign shall maintain a minimum of nine (9) feet of vertical clearance from the ground. For the purposes of these sign provisions, a suspended sign shall be classified as a permanent sign; and as an attached sign.

Sign, Temporary: A sign that is allowed for a specific time period.

1. Residential temporary signs shall be those permitted on residentially zoned lots.
2. Non-Residential temporary signs shall be those permitted on non-residential zoned lots.

Sign, Vehicle: A sign on or within a motor vehicle, boat, aircraft, recreational vehicle, manufactured home, or similar vehicle that has been parked for the primary purpose of displaying the sign. For the purposes of this ordinance, vehicle signs do not include bumper stickers. Vehicle signs are prohibited under these sign provisions.

Sign, Wall: A sign attached to or erected against, but within six inches of, the wall of a building with the face parallel to the plan of the building wall or attached to the structure. For the purposes of these sign provisions, a wall sign shall be classified as a permanent sign; and as an attached sign.

Sign Structure: Any structure that supports, has supported or is capable of supporting a sign, including decorative cover.

Street: A public thoroughfare that affords the principal means of access to the abutting property.

Use: The purpose for which the building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Zone Lot: A parcel of land in single ownership that is of sufficient size to meet the minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the zoning ordinance.

8.5. Exempt Signs: The following signs and/or symbols are exempt from regulation under this ordinance:

Public signs erected on behalf of a governmental body to post legal notices, identify public property, convey public information, and to direct or regulate pedestrian or vehicular traffic;

Public signs: signs erected by, or on the order of, a public officer in the performance of his/her duty, such as safety signs, danger signs or traffic control signs.

Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.

Signs not visible from public rights-of-way.

Historical markers: historical markers established and/or sanctioned by local, state or federal authorities.

Monuments in cemeteries or monument sales lots

Works of art which in no way identify a product, or convey a commercial message.

Scoreboards located on athletic fields.

The display of lights or ornaments customarily associated with a religious holiday within a month before or after the calendar date of said holiday.

8.6. Signs Exempt From Permit Requirement: The following signs shall be exempt from the permit requirements of this ordinance, but shall be subject to all applicable restrictions of this Ordinance:

Temporary merchandise displays and show window signs behind storefront or office windows within non-residential zone districts that are not affixed permanently to the glass, nor intended for permanent display, and non-illuminated, and provided that such signs shall not occupy more than fifteen (15%) percent of each window opening.

Non-flashing interior signs ten (10) feet or more above a show window.

Building marker identification signs constructed of concrete, bronze, or similar material conveying historical information limited to the name of the building, date of erection and other pertinent historical data, and not exceeding four (4) square feet per face.

Real estate signs subject to the following restrictions:

a). Signs advertising a single family home or lot, a duplex, triplex, or quadraplex, or an individual unit within an attached housing development shall not exceed six (6) square feet. Rider signs not exceeding a total of two (2) square feet in sign face area shall be permitted in addition to the (6) square feet. Maximum height: four (4) feet.

b) Sign advertising all other uses shall not exceed one square foot for every five (5) linear feet of frontage of the advertised property, up to a maximum sign face area of thirty-two (32) square feet and maximum height of (6) feet.

c) Only one sign per street front of the advertised property shall be erected.

d) Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.

e) Signs shall not be illuminated.

f) Signs shall be removed within seven (7) days after the sale is closed or rent or lease transaction is finalized.

g) Signs shall be setback a minimum of ten (10) feet from any public right-of-way.

Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, subject to the following restrictions:

a) No more than one sign per street front shall be permitted per event.

b) Signs shall not exceed thirty-two (32) square feet in area or six (6) feet in height.

c) Signs shall be erected no sooner than fourteen (14) days before and removed seven (7) days after the event.

Directional signs subject to the following restrictions:

a) Signs shall not exceed three (3) square feet per sign face and four (4) feet in height.
b) Signs shall not contain any trade name identification, or convey any commercial message, and shall not be illuminated.
c) Signs shall conform to the standards of the U.S. Department of Transportation Manual on Uniform Traffic Devices.
d) Signs shall be set back at least five (5) feet from the property line.
e) Directional signs shall be located on the premises for which directions are provided.
f) A maximum of four (4) directional signs shall be permitted for any zone lot.

Incidental signs used to do the following: *direct certain activities to certain areas* (e.g. handicapped parking); *prohibit the parking of unauthorized vehicles; provide other incidental information* (e.g. "no smoking;" "restroom," "no solicitors;" "self/full service;" etc.). Incidental signs shall be subject to the following restrictions:

a) Signs shall not exceed two (2) square feet per sign face.
b) Signs shall not contain any trade name identification, or convey any commercial message, and shall not be illuminated.
c) Signs shall be set back at least five (5) feet from the property line.
d) Incidental signs associated with the sale of petroleum products shall be limited to two (2) per pump island, and be located at a height no more that eight (8) feet from the surrounding grade.

Permanent residential signs subject to the following restrictions

a) Permanent residential signs shall convey no commercial message except for the advertising of goods or services legally offered on the premises on which it is located per the restrictions on Incidental home occupancy use as identified in Article 2 of the City of Piperton Zoning Ordinance.
b) The maximum sign area permitted for permanent residential signs shall be as provided for in Section 8.12.1 of this ordinance.
c) Permanent residential signs may consist of either an attached or detached sign, and shall not be illuminated.
d) Signs shall be set back at least five (5) feet from the property line.

Flags of the United States, the state, the city, foreign nations having relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area, and not be flown from a pole that is more than forty (40) feet in height. Any flag not meeting such requirements will be considered a banner sign and shall be subject to regulations provided herein.

Sign(s) affixed to aircraft, boats, buses, taxicabs, or other commercial vehicles where the sign is incidental and accessory to the primary use of the vehicle, and that are operated or parked during the normal course of business.

Memorial signs and plagues that do not exceed a maximum of eight (8) square feet, as provided herein.

Nameplates that do not exceed a maximum of eight (8) square feet, as provided for, and further restricted, in Section 8.12.1.

Political signs, limited in size and structure to a height of three (3) feet and total sign face area not to exceed six (6) square feet; provided further such signs shall be permitted only with the consent of the owner and located outside public rights-of-way. Such signs shall be erected no earlier than sixty (60) days prior to an election, and shall remain for a maximum period of sixty (60) days. Candidates winning a primary election may keep their signs up through the general election.

8.7. **Prohibited Signs:** It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these provisions. The following signs are expressly prohibited:

Signs which show pictures of human figures (except political signs), animals or food, except for registered trademarks or logos, and signs which contain characters, cartoons, or statements of an obscene, indecent, or immoral character which would offend public morals and decency.

Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or other similar words.

Signs that are of a size, location, movement, content, coloring, or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign signal, or cause traffic hazards/conflicts.

Signs that have any moving parts.

Animated and/or flashing signs as defined herein.

Interior lighted translucent signs, except as provided herein.

Signs that contain reflective materials.

Signs that contain reflective type bulbs, pulsating light or strobe light.

Signs made structurally sound by guy wires or other unsightly bracing.

Beacons, except for emergency purposes.

Signs attached to, suspended from or painted on any vehicle that is regularly parked on any street or private property when one of the purposes of so locating

such vehicle is to display, demonstrate and advertise or attract the attention of the public;

A. It is not a violation of this ordinance merely to have a common logo of a business sign attached to, suspended from, or painted on a company vehicle regularly in the business of the owner; and
B. When it is determined by appropriate authorities that a vehicle is being regularly parked in a manner that violates this ordinance, the city will issue a single notice of warning to the owner of the vehicle, who will be provided an opportunity for an informal hearing by representatives of the city consisting of the Mayor, Planning Staff and the Planning Commission prior to the institution of formal application of judicial proceedings.

Advertising signs including, but not limited to, Roof Signs.

8.8. **Sign Standards:** The following computation, design, and maintenance requirements shall be applicable to all signs requiring a permit under this ordinance.

8.8.1 **Computation of Area of Individual Signs** - The area of a sign face (which is also the area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

8.8.2. **Computation of Area of Multi-Faced Signs** - The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same structure and are not more than 42 (forty-two) inches apart, the sign area shall be computed by measurement of one of the faces.

8.8.3. **Computation of Height** - The height of a sign shall be computed as the distance from the base of the sign and/or sign structure at normal grade to the top of the highest attached structure and/or component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign and/or sign structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principle entrance to the principle structure on the lot, whichever is lower.

8.8.4. **Computation of Maximum Total Permitted Sign Area for a Lot** - The permitted sum of the area of all individual signs shall be as provided for in Section 8.12. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented towards a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

8.8.5. **Illumination** – As used herein, sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to illuminate an area in which a sign is located – such as street lights, façade lighting, or parking lot lighting – rather than specifically to illuminate the sign.

A. **External Light Fixtures** – External light fixtures shall be concealed wherever possible.
B. **Constant and Even Illumination** – Sign illumination shall be constant in intensity and color. Illumination shall be of uniform intensity over the sign face.
C. **Non-Glaring** – The external lighting for any illuminated sign shall be shaded, shielded, or directed so as not to cause glare in surrounding properties or in public streets.
D. **Internally Illuminated Signs** – internal illumination shall be limited to interior lighted translucent letters, and for ground-mounted signs, the sign face shall be shielded so that only the sign copy is illuminated.
E. **Compliance** – Total illumination generated by illuminating devices shall not exceed that provided for in Article 11 (*Lighting Requirements*).
F. **Illumination Prohibited** – Signs exempt from permit requirements (Section 8.6) shall not be illuminated.

8.8.6 **Sign Structures for Ground Mounted Signs** – Sign structures for ground-mounted signs shall consist of either brick, stone, stucco, landscape timber, wood and/or steel poles, or comparable material, and shall not exceed two (2) feet in height. The height of the sign structure shall be included in the overall permitted sign height.

8.8.7 **Sign Structures for Pole Signs** – Sign structures for pole signs shall consist of either landscape timber, or galvanized metal, or comparable material, and may consist of up to two supporting poles. The supporting poles shall not extend beyond two (2) feet from the highest point of the sign's frame. The height of the sign structure shall be included in the overall permitted sign height.

8.8.8 **Sign Structures for Subdivision Entrance and Complex/Directory Signs** – Sign structures for subdivision entrance and complex or directory signs shall be integrally related to the subdivision or center they identify. Sign structures for subdivision and complex or directory signs shall consist of either brick, stone, stucco, landscape timber, wood, or comparable material, and shall be approved by the Planning Commission as part of the subdivision and/or site plan approval process.

8.8.9. **Construction, Maintenance, Repair, and Removal** – All signs shall be designed, constructed, and maintained in accordance with following standards:

A. All signs shall comply with applicable provisions of the Southern Standard Building Code and all other applicable codes of the city at all times.
B. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, be ground mounted, or attached to a building.
C. Signs may not be made structurally sound by guy wires or other unsightly bracing.
D. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
E. Painted and unpainted signs, embellishments, and support structures shall be cleaned as necessary to prevent an unsightly or blighted appearance.
F. Any source of illumination shall be kept in safe working order at all times.
G. Any vegetative landscaping at the base of Ground Signs shall be maintained in a living and healthy condition free of weeds, bare spots, and debris.
H. Exterior building wall surfaces on which signs have been displayed shall be either covered with another sign or restored to their previous condition as determined by the Building Inspector.
I. Both permanent and temporary signs shall be set back at all street/railroad intersections as necessary to comply with Article 3; Section 3.9 of this ordinance.
J. Signs identifying businesses no longer in existence, products no longer being sold, services no longer being rendered, or any other signs defined herein and/or sign structures that have been abandoned shall be removed per Section 8.18.4. of this ordinance.

8.9. **System for Regulation and Classification:** Signs not specifically exempt, exempt from permit requirements, or prohibited from these sign regulations shall be regulated by sign type/method of attachment; location; duration; bulk characteristics; design characteristic; and sign permit approval process, and shall be further classified as follows, in accordance with their prescribed definition in Section **8.4.**:

A. **Method of Attachment/Sign Form/Type:**

1. Attached (Wall Signs):

Awning or Canopy Sign	Directory Sign*
Banner	Drive-Through (Menu Board)
Sign*	
Business Sign*	Suspended Sign
Civic Sign*	

2. Detached Signs (Ground Mounted/Pole Signs):

Business Sign*	Construction Sign
Changeable Copy Sign (Automatic)	Directory Sign*
Changeable Copy Sign (Manual)	Drive-Through (Menu Board) Sign*
Civic Sign*	Subdivision Entrance Sign
Complex Sign	

*Sign may function as an attached or detached sign.

B. **Location:** Residential Zone Districts; Non-Residential Zone Districts

C. **Duration:** Temporary (Section 8.13)
Permanent (Section 8.14)

D. **Bulk Characteristics:** Sign Area, Number, Dimensions, Setback

E. **Design Characteristics:** illumination

F. **Sign Permit Approval Process:** Planning Commission

G. **Restrictions, Exceptions, and Clarifications:** As Provided

8.10. **Permits Required** - If a sign requiring a permit under this ordinance is to be created, erected, placed, established, relocated or altered on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, movement or alteration of such a sign in accordance with the requirements of Section 8.16.

Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 8.17.

No permit of any kind shall be issued for an existing sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect.

8.11. **District Classification:** For purposes of this Ordinance, zoning districts are classified as follows:

R-C - Rural Conservation	O - Office
R-1 – Low Density/Estate Residential	M-1 – Light Industrial
B-1 – Neighborhood Commercial	M-2 – Heavy Industrial
B-2 – Minor Planned Commercial	M-3 – Planned Industrial
B-3 – Major Planned Commercial	

8.12. Maximum Cumulative Sign Area Per Zone Lot By Zoning District:

8.12.1. **Residential Districts:** Within the R-C, and R-1 Zone Districts a maximum of eight (8) square feet of signage is permitted for zone lots containing five (5) or more acres, and a maximum of two (2) square feet for zone lots containing less than five (5) acres, except as otherwise provided in this ordinance.

8.12.2. **Non-Residential Districts:** Within the B-1; B-2; B-3; O; M-1; M-2; and M-3 Zone Districts the maximum cumulative square footage of signage permitted per zone lot, except as otherwise provided in this ordinance, shall be the lesser of the following:

A. **B-1 Zone District** – One-hundred (100) square feet; *or* four (4) percent of the ground floor area of the principle building; *or* .5 square feet of signage per linear foot of street frontage.

B. **B-2 and O Zone District** – Two-hundred (200) square feet; *or* six (6) percent of the ground floor area of the principle building; *or* .5 square feet of signage per linear foot of street frontage.

C. **B-3 Zone District** – Four-hundred (400) square feet; *or* ten (10) percent of the ground floor area of the principle building; *or* .5 square feet of signage per linear foot of street frontage.

D. **M-1 Zone District** – Four-hundred (400) square feet; *or* ten (10) percent of the ground floor area of the principle building.

E. **M-2 Zone District** – Four-hundred (400) square feet; *or* two (2) percent of the ground floor area of the principle building.

F. **M-3 Zone District** – Four-hundred (400) square feet; *or* two (2) percent of the ground floor area of the principle building.

8.13. Temporary Signs Requiring A Permit:

8.13.1. **Attached Signs (Wall Signs) and Detached Signs (Ground Mounted/Pole Signs):**

A. **Sign Types:** Banners; Construction Signs; Garage Sale.

B. **Location:** *Zone Districts Permitted – Zone Districts Permitted* – R-C (*Per 8.13.1 G*); R-1 (*Per 8.13.1 G*); B-1; B-2; B-3; O; M-1;M-2; M-3

C. **Duration:** *Temporary*

D. **Bulk Characteristics:** *Per 8.13.1 (G)*

E. **Design Characteristics:** *Non-Illuminated Only*

F. **Sign Permit Approval Process:** *Review and approval by the Planning Commission, unless otherwise noted.*

G. **Restrictions, Exceptions, and Clarifications:**

1) *Banners* – Temporary banner signs shall be permitted for businesses within non-residential districts while application for the erection of permanent signage is pending before the city. Temporary banner signs shall be subject to the following restrictions:

a) One (1) temporary banner sign per zone lot.
b) Banner sign may be constructed of cloth, canvas, or other light temporary material. Banner sign must attached flat against a building.
c) Banner shall only be erected on the premises that the business activity is conducted.
d) Banner sign face area shall not exceed thirty-two (32) square feet.
e) Banner sign shall not project above the roofline of the building to which it is attached.
f) Banner sign must be removed upon approval and erection of permanent signage, or within sixty-(60) days of the issuance of the permit, which ever comes first.

2) *Construction Signs* – Construction signs announcing new subdivision development, construction, or other improvement of a property on which the sign is located by a builder, contractor, or other person furnishing services, materials or labor to said premises shall be subject to the following restrictions:

a) One (1) temporary construction sign per development site as determined by the Building Official.
b) For the purposes of this ordinance, construction signs shall not be construed to be a "real estate sign" as defined and restricted herein, and shall only contain the project name; developer; design professional; contractor; lending institution; and opening date.
c) Construction signs shall only be erected on the premises that construction is taking place.
d) Construction signs may be erected on ground mounted or pole structural supports, however, and shall not exceed six (6) feet in height.
e) Construction sign face area shall not exceed thirty-two (32) square feet.
f) The maximum construction sign face area permitted for a single dwelling unit shall not exceed six (6) square feet, nor exceed four (4) feet in height.

g) Construction signs shall be set back ten (10) feet from any public right-of-way.
h) Construction signs shall be removed upon completion of the construction of the project improvements; however, and in no instance shall a construction sign be permitted to remain longer

than twelve (12) months, unless specifically permitted by the Planning Commission.

3) *Garage Sale Signs* – Garage sale signs shall generally be regulated under City Ordinance 1-86, and further restricted as follows:

   a) One (1) temporary garage sale sign per zone lot.
   b) The maximum garage sale sign face area shall be as provided for in Section 8.12.1 of this ordinance.
   c) Garage sale signs shall only be erected on the premises that the garage sale is being conducted.
   d) Garage sale signs shall be set back ten (10) feet from any public right-of-way.
   e) Permission to erect a garage sale sign shall be construed to be granted upon issuance of a valid garage sale permit by the city.
   f) Garage sale sign must be removed following the cessation of the garage sale.

4) *Residential Development Signs* –Residential development signs announcing new residential development shall be subject to the following restrictions:

   a) While a formally recorded subdivision, approved on a plat of record, is under physical construction, there shall be permitted two (2) temporary off-premises signs as determined by the Building Official.
   b) For the purposes of this ordinance, residential development signs shall not be construed to be a "real estate sign" as defined and restricted herein, and shall only contain the name, directions to, and opening date of the subdivision.
   c) Residential development signs may be erected on ground mounted or pole structural supports. The total height of the structural support, including the sign, shall not exceed six (6) feet in height.
   d) Residential development signs face area shall not exceed sixteen (16) square feet
   e) Residential development signs shall be set back ten (10) feet from any public right-of-way.
   f) Applicants for residential development signs shall provide verification of permission from the affected property owner(s) to erect said sign(s) on private property.
   g) Residential development signs shall not be permitted to remain longer than twelve (12) months, unless specifically permitted by the Planning Commission.

8.14. Permanent Signs Requiring A Permit:

8.14.1. Attached Signs (Wall Signs):

A. **Sign Types:** Business Signs; Changeable Copy Signs (Automatic and Manual); Civic Signs; Complex Signs; Directory Signs; and Drive-Through Signs (Menu Boards); Subdivision Entrance Signs.

B. **Location:** *Zone Districts Permitted* – R-C (*Per 8.14.2 G*); R-1 (*Per 8.14.2 G*); B-1; B-2; B-3; O; M-1;M-2; M-3

C. **Duration:** *Permanent*

D. **Bulk Characteristics:**

Number - 1 per street front (maximum of two (2) signs per zone lot) (maximum of one (1) sign face per ground mounted/pole structure).

Sign Area:

Total Area of all Signs -	***Per Section 8.12.***
Per Sign-	R-C; R-1: (Per 8.14.2 G)
	B-1; B-2; B-3; O Districts: 32 sq. ft.
	M-1; M-2; M-3 Districts: 48 sq. ft.

Height - Six (6) feet, including sign structure.

Setback – Minimum of ten (10) feet from any public right-of-way.

E. **Design Characteristics:** *Internal and external illumination permitted per the requirements of Section 8.8.5*

F. **Sign Permit Approval Process:** *Review and approval by the Planning Commission.*

G. **Restrictions, Exceptions, and Clarifications:**

1) *Attached signs within residential districts* – Attached signs associated with approved conditional uses within residential zone districts (e.g. *Churches; Schools; Public Golf Courses; Country Clubs* and *Horse Stables*) shall be subject to the additional restrictions:

a) The maximum wall sign face area shall be ten (10) percent of any wall area as defined herein; moreover, the maximum cumulative sign area per zone lot shall be as provided for within the B-1 Zone District 8.12.2 (A).
b) Business and civic wall signs within residential zone districts shall not be illuminated.

2) *Directory Signs* – Directory signs within commercial, office, or industrial complexes, or multi-tenant buildings where one or more tenants does not have an exterior entrance shall be subject to the additional restrictions:

a) For multi-tenant buildings, the maximum sign face area for a directory wall sign shall be ten (10) square feet.
b) Directory signs shall convey no commercial message, nor contain any logos.
c) Directory signs shall not be illuminated.

3) *Drive-Through Signs (Menu Board)* – Menu boards in conjunction with restaurant drive-through pick up activities shall be subject to the additional restrictions:

a) There shall be no more the two (2) such signs per zone lot, including any combination of wall and/or ground mounted signs.
b) Wall mounted menu boards shall not exceed twenty-four (24) square feet per sign with a maximum of forty (40) square feet.
c) Wall mounted menu boards shall not project above the roofline of the building to which they are attached.
d) Wall mounted menu boards shall be an accessory to the principal signage permitted.
e) Wall mounted menu boards shall not be generally visible from a public right-of-way.

4) *Awning or Canopy Signs* – Awning or canopy signs shall be subject to the additional restrictions:

a) There shall be no more than one (1) awning/canopy sign per building.
b) The maximum sign area of any awning/canopy sign shall not exceed 25 percent of the vertical surface of the awning/canopy.
c) The vertical clearance of any awning or canopy sign from a sidewalk, private drive, or parking area shall be nine (9) feet.
d) An awning/canopy sign shall not encroach more than five (5) feet into a designated yard area.
e) Awning/canopy signs shall not be illuminated.

5) *Suspended Sign* – Suspended signs shall be subject to the additional restrictions:

a) There shall be no more than one (1) suspended sign per building entrance.
b) The vertical clearance of any suspended sign from a sidewalk, private drive, or parking area shall be nine (9) feet.
c) Suspended signs shall not be illuminated.

8.14.2. Detached Signs (Ground Mounted/Pole Signs):

A. **Sign Types:** Business Signs; Changeable Copy Signs (Automatic and Manual); Civic Signs; Complex Signs; Directory Signs; and Drive-Through Signs (Menu Boards); Subdivision Entrance Signs.

B. **Location:** *Zone Districts Permitted* – R-C (Per 8.14.2 G); R-1 (Per 8.14.2. G); B-1; B-2; B-3; O; M-1; M-2; M-3

C. **Duration:** Permanent

D. **Bulk Characteristics:**

Number - *1 per street front (*maximum of two (2) signs per zone lot) *(maximum of one (1) sign face per ground mounted/pole structure)*

Sign Area:

Total Area of all Signs -	***Per Section 8.12.***
Per Sign -	R-C; R-1: (Per 8.14.2 G)
	B-1; B-2; B-3; O Districts: 32 square feet
	M-1; M-2 M-3 Districts: 48 square feet

Height – Six (6) feet, including sign structure

Setback – ***Minimum of ten (10) feet from any public right-of-way***

E. **Design Characteristics:** *Internal and external illumination permitted per the requirements of Section 8.8.5*

F. **Sign Permit Approval Process:** *Review and approval by the Planning Commission.*

G. **Restrictions, Exceptions, and Clarifications:**

1) *Detached signs within residential zone districts* – Business ground mounted signs and civic ground mounted signs associated with approved conditional uses within residential zone districts (e.g. *Churches; Schools; Public Golf Courses; Country Clubs* and *Horse Stables*), as well as residential subdivision entrance and complex signs shall be subject to the additional restrictions:

a) The maximum ground mounted sign face area shall be thirty-two (32) square feet, moreover, the maximum cumulative sign area per

zone lot shall be as provided for within the B-1 Zone District 8.12.2 (A), except for residential subdivision entrance and complex signs, which shall be limited to a maximum of thirty-two (32) square feet.

b) Detached business signs, civic ground mounted signs, subdivision entrance signs and complex signs within residential zone districts may only be externally illuminated per the requirements of Section 8.8.5.

2) *Ground Mounted Directory Signs* – Ground mounted directory signs within commercial, office, or industrial centers shall be subject to the additional restrictions:

a) Ground mounted directory signs for retail business centers or office/industrial/technical parks shall contain only the name, address, and logo or trademark of the retail center, office/industrial park.
b) Ground mounted directory signs shall not include the names of more that six tenants therein, with said names to be integrated into the overall design of the sign.

3) *Drive-Through Signs (Menu Board)* – Menu boards in conjunction with restaurant drive-through pick up activities shall be subject to the additional restrictions:

a) There shall be no more the two (2) such signs per zone lot, including any combination of wall and/or ground mounted signs.
b) Ground mounted menu boards shall not exceed thirty-two (32) square feet per sign with a maximum of forty (40) square feet.
c) Ground mounted menu boards shall not exceed six (6) feet in height.
d) Ground mounted menu boards shall be an accessory to the principal signage permitted.
e) Ground mounted menu boards shall not be generally visible from a public right-of-way.

4) *Changeable Copy Signs (Automatic)* – Changeable copy signs (automatic) shall be subject to the additional restrictions:

a) The fixed display screens integrated with changeable copy signs (automatic) shall not contain intermittent or flashing or blinking light by means of animation, video, or externally mounted light source, or rolling displays and/or images.
b) No other form of electronic message(s), other than LED (light emitting diodes) or fiber optics, shall be permitted.
c) Changeable copy signs (automatic) shall only be permitted with commercial and industrial districts.
d) Fixed display screens shall be an integral/permanent part of the ground-mounted/pole sign, not be surface mounted, and not be wider than any other sign element.
e) The minimum display time per message shall be twelve (12) hours.
f) Message transitions shall be modest or discreet to reduce negative effects on traffic.

g) The area of the fixed display screen shall not exceed more than thirty-five (35) percent of the maximum sign area permitted for ground mounted/pole signs, nor more than twenty-five (25) percent of the total sign area. The area of the fixed display screen, as computed above, shall be permitted in addition to the maximum sign area permitted for ground-mounted/pole signs.
h) Changeable copy signs (automatic) shall not exceed seven (7) feet in height, including the fixed display screen and sign structure.
i) The electronic message shall use an amber (off-white) color against a constant, solid black color.
j) The brightness/intensity of an electronic message shall not exceed 5,000 nits (candelas per meter) during daylight and 500 nits at night.
k) Fixed display screens shall be controlled by a light detector with a dimmer set to "AUTO".
l) Electronic display screens may only be incorporated on ground mounted/pole signs.

5) Changeable Copy Signs (Manual) – Changeable copy signs (manual) shall be subject to the additional restrictions:

a) Changeable copy signs (manual) shall not be permitted within commercial and industrial districts.

8.15. **General Permit Procedures** - The following procedures shall govern the application for, the issuance of, all sign permits under this ordinance.

8.15.1. **Applications** - All applications for sign permits of any kind shall be submitted to City Hall on an application form provided by the city. All applications will be reviewed by city staff and/or the Planning Commission and must therefore be submitted at least fifteen days prior to the regularly scheduled meeting of the Planning Commission.

8.15.2. **Fees** - Each application for a sign permit shall be accompanied by applicable fees, which shall be established by the governing body of the city from time to time by resolution.

8.15.3. **Completeness** - Within 15 (fifteen) days from submittal of the application, city staff shall review the application for completeness and shall inform the applicant of specific ways in which the application is deficient, with appropriate references to this ordinance. If the application is found to be complete, the Planning Commission shall formally accept the application at its next regularly scheduled meeting for review and action at its subsequent regularly scheduled meeting, generally thirty (30) days henceforth.

8.15.4. **Action** – Upon formal review of an accepted application at a regularly scheduled meeting, the Planning Commission, shall either authorize the Building Inspector to issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance; or reject the sign permit if the sign(s) that is subject of the application fails in any way to conform with the requirements of this ordinance. In case of rejection, the rejection shall specify the section or sections of this ordinance with which the sign is inconsistent.

8.16. **Permits to Construct or Alter Signs** – All temporary and/or permanent signs requiring a permit shall be created, erected, placed, established, relocated or altered only in accordance with a duly issued and valid construction permit from the Building Inspector following approval of the Planning Commission. Such permits shall be issued only in accordance with the following requirements and procedures.

8.16.1. **Permit for New Sign or Sign Relocation/Alteration** - An application for construction, creation or installation of a new sign or for the relocation or alteration of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One application and permit may contain multiple signs on the same zone lot.

8.16.2. **Inspection** - The Building Inspector shall cause an inspection of the zone lot for which the permit for a new sign or for the alteration of an existing sign is issued during the sixth month after issuance of such permit or at such earlier date as owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with all other applicable codes, the Building Inspector shall affix a permanent symbol identifying the sign and the applicable permit number or other reference. If the construction is substantially complete, but not in compliance with this ordinance or other applicable codes, the Building Inspector shall give the owner or applicant notice of deficiencies and allow an additional 30 (thirty) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

8.17. **Sign Permits - Continuing** - The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for twelve (12) months and renewable annually upon submission of a renewal form and applicable fees. Renewal forms shall contain a representation from the applicant that no change in signage under the permit has been made or shall contain photos, drawings and dimensions of any changes.

8.17.1. **Lapse of Sign Permit** - A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 (thirty) days notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

8.17.2. **Assignment of Sign Permits** - A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building Inspector may require and paying any applicable fee. The assignment shall be established by filling and shall not require approval.

8.18. **Time of Compliance: Nonconforming Signs and Signs without Permits** - Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this ordinance or for which there is no current or valid sign permit shall be obligated to remove the sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this ordinance.

8.18.1. **Signs Existing on Effective Date** - For any sign existing in the city on **May 7, 2002**, an application for a sign permit must be submitted to the city within six months. For any sign on property annexed at a later date, applications for sign permits shall be submitted within six months of the effective date of the annexation or within such period as may be established in an annexation

agreement between the city and the landowner. Signs that are the subject of applications after the applicable date set forth in this section shall be subject to all the terms and conditions of this ordinance and shall not be entitled to the protection of Section 8.18.2.

Applications for permits for existing signs submitted within six months, shall be exempt from the initial fees adopted under the authority of this ordinance, but not from renewal and subsequent fees.

8.18.2. **Nonconforming Existing Signs, Permits and Terms** - A sign that would be permitted under this ordinance only with a sign permit, but which was in existence on **May 7, 2002,** or on a later date when the property is annexed into the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be issued a Nonconforming Sign Permit if an application in accordance with Section 8.18.1. of this ordinance is timely filed.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this ordinance, to remain in place and be maintained for a period ending no later than **May 7, 2012,** provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are subject to the provisions of Section 8.18.3. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than 25 (twenty-five) percent of the lessor of the original value or replacement value of the sign.

8.18.3. **Lapse of Nonconforming Sign Permit** - A Nonconforming Sign Permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

8.18.4. **Sign Removal Required** - A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed without notice or action from the city.

8.19. **Violations** - Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning ordinance, and any other applicable laws or ordinances:

To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which the sign is located;

To install, create, erect, or maintain any sign requiring a permit without such permit;

To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

8.20. **Enforcement and Remedies** - Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this ordinance shall be considered a violation of the police powers granted by the State of Tennessee in furtherance of the protection of the health, safety, and general welfare of the public at large. The remedies of the city shall include the following:

Issuing a stop-work order for any and all work on signs on the same zone lot;

Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

Imposing any penalties that can be imposed directly by the city under the zoning ordinance;

Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and

In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of the zoning ordinance or building code for such circumstances.

The city shall have other such remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

ARTICLE 9

SITE PLAN REVIEW REQUIREMENTS

9.1 **Site Plan Review Requirements** - The following procedures and standards are established for those sections of this ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy for any affected lands, structures or buildings. Site plans shall be approved or disapproved under the following procedures and standards as specified by this ordinance.

9.1.1 **Site Plan Submission and Review** - Site Plan Review is required under two (2) separate instances by the Piperton Municipal Zoning Ordinance. These instances are:

1. The review and approval of a site plan for any permitted use by the Piperton Municipal Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plans which may be necessary to minimize the impact of the requested use upon the City. This power of review may include, but not limited to, setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
2. The review and approval of a site plan for any special exception by the Piperton Board of Zoning Appeals. The Board of Zoning Appeals may require such changes in the presented site plans which may be necessary to minimize the impact of the requested use upon the City. This power of review may include, but not limited to, setbacks, screening, lighting, parking location, layouts, access, general landscaping requirements and any other standards or specifications of this ordinance. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

9.1.2. **Review Procedure** - In instances of review of a site plan by either the Piperton Municipal Planning Commission for either permitted uses or by the Board of Zoning Appeals for special exceptions, the following procedures shall apply.

1. The owner or developer shall submit eight (8) copies of the proposed site plan to the building inspector fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals. The site plan shall then be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed by the Secretary of the Planning Commission or Board of Zoning Appeals. In instances of

disapproval, he applicant shall be notified in writing as to the reason(s) the site plan was disapproved

2. Prior to the regular meeting of the Planning Commission or Board of Zoning Appeals, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for reviews of areas under their concern. Once the city staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to all members of the Planning Commission or Board of Zoning Appeals and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

9.1.3. **Contents of the Site Plan** - In instances where site plan review is required, the site plan must be drawn to a scale of not less than 1" = 50' by a licensed surveyor or engineer and shall include, at a minimum, the following:

1. Name and address of the development.
2. Name and address of the applicant or owner of record.
3. Present zoning of the site and all abutting properties.
4. Date, graphic scale, and north point with reference to source of meridian.
5. Courses and distances of center of all streets and all property lines, setback lines, property restricting lines, easements, covenants, reservations and rights-of-way.
6. The total land area.
7. A vicinity map showing the location of he development in relation to the City of Piperton.
8. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating two (2) foot contours and by spot elevation where necessary to indicate flat areas.
9. Certification as to the following: Certificate of accuracy of the plan by a licensed surveyor or engineer; and, certificate of approval by the Piperton Municipal Planning Commission.
10. The location, dimensions, site and height of the following when existing:

    a. Sidewalks, streets, alleys, easements and utilities.
    b. Buildings and structures.
    c. Public waste water systems.
    d. Slopes, terraces and retaining walls.
    e. All curbs, driveways, entrances, exits and parking spaces.
    f. Water mains and fire hydrants.
    g. Trees, shrubs and other landscaped areas.
    h. Recreational areas and swimming pools.
    i. Natural and artificial water courses.
    j. Limits of flood plains.

11. The location, dimensions, site and height of the following when proposed:

    a. Sidewalks, streets, alleys, easements and utilities.
    b. Buildings and structures including the front (street) elevation of proposed buildings.
    c. Public waste water systems.
    d. Slopes, terraces and retaining walls.
    e. All curbs, driveways, entrances, exits and parking spaces.
    f. Water mains and fire hydrants.
    g. Trees, shrubs and other landscaped areas.
    h. Recreational areas and swimming pools.
    i. Natural and artificial water courses.
    j. Estimates of the following when applicable:
        (1) Number of dwelling units.
        (2) Number of parking spaces.
        (3) Number of loading spaces.
        (4) Number of commercial or industrial tenants and employees.
    k. Distances between buildings.
    l. Location of proposed solid waste collection sites.
    m. Plans for collecting storm water and methods for treatment of natural and artificial water courses including a delineation of limits of flood plains, if any.
    n. Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed buildings and structures. Proposed topography of the shall be shown by two (2) foot contours.

12. All landscaping, screening and lighting requirements per Article 11 of this ordinance.

9.1.4. **<u>Expiration of Approval or Renewal</u>** - A site plan approved by the Planning Commission or Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within one (1) year from the date of such approval unless and extension of time is applied for and given by the Planning Commission or Board of Zoning Appeals.

ARTICLE 10

OFF-STREET PARKING AND LOADING REQUIREMENTS AND GUIDELINES

10.1. Purpose and Intent of Off-Street Parking and Loading Requirements and Guidelines - It is the intent of the City of Piperton to ensure that adequate off-street parking is provided for all new development. It is also the intent of the City of Piperton to ensure that the City develops in an attractive, pleasing and safe manner. As such, the requirements and guidelines provided herein are designed to provide for adequate off-street parking and to promote and enhance the attractiveness of the City and the safety of its citizens.

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

A. Location - Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking space to be provided on other off-street property provided that such space lies within three hundred (300) feet of the main entrance to such principal use.

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

C. Curbing and Surfacing - A required parking area, which includes parking spaces, drives and maneuvering lanes, shall be provided with a 6" concrete curb or 6" rolled curb and shall be of an asphalt or concrete paved surface. The surface shall be curbed and paved prior to issuance of a certificate of occupancy. This requirement does not apply to a single family or two family structure on a single lot.

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

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

F. Number of Spaces for Specific Uses

1. Residential

Dwelling, one and two family, townhouses, multi-family and mobile homes	2 spaces per dwelling unit
Retirement home or assisted living home	1 space per dwelling unit
Hotels, motels, tourist courts and similar transient lodging	1 space per unit plus 1 space for each 400 sq. ft. of public meeting area or restaurant space
All other residential uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals

2. Retail

Lumber and Building Materials	1 space per 500 sq. ft. of total floor area
Plumbing and Heating Supply	1 space per 1,000 sq. ft. of total floor area
Hardware and Paint	1 space per 500 sq. ft. of total floor area
Greenhouse, nursery products, agricultural equipment and lawnmower sales and service	1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of covered or uncovered display area.
Shopping Centers and Malls	1 space per 200 sq. ft of total floor area
General Merchandise, Clothing, Variety and Department Stores	1 space per 200 sq. ft. of total floor area

Furniture, Home Furnishings, Art, Antiques and Books and Stationary Stores	1 space per 400 sq. ft. of total floor area
Grocery Stores and Supermarkets	1 space per 150 sq. ft. of total floor area
Delicatessens and Bakeries	1 space per 150 sq. ft. of total floor area
Package Liquor Store and Beverage Store	1 space per 200 sq. ft. of total floor area
Auto Sales and Service, Auto Parts, Boat Sales and Service, Boat Parts, Motorcycle Sales and Service and Motorcycle Parts	1 space per 500 sq. ft. of total floor area
Mobile Home, Semi-Truck and Heavy Equipment Sales.	1 space per 500 sq. ft. of total floor area
Restaurants, Cafes and Cafeteria	1 space per 200 sq. ft. of total floor area.
Restaurants, Fast Food	1 space per 100 sq. ft. of total floor area
Taverns, Bars and Drive-in Restaurants	1 space per 150 sq. ft. of total floor area.
Fuel or Gas Stations	1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces
Convenience Store	1 space per 200 sq. ft. of total floor area
All other retail trade not listed	As determined by the Planning Commission or the Board of Zoning Appeals

3.	Finance Insurance and Real Estate	
	Banks, Savings and Loans Real Estate Offices, and Insurance	1 space per 250 sq. ft. of total floor area.
	All other finance insurance and real estate not listed	As determined by the Planning Commission or the Board of Zoning Appeals
4.	Personal Services	
	Laundering, dry cleaning, apparel repair and cleaning services	1 space per 350 sq. ft. of total floor area
	Beauty, Barber and Photographic Services	1 space per 300 sq. ft. of total floor area and 1 space per employee
	All other personal services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
6.	Business Services	
	Advertising, Consumer Credit Reporting and Collections	1 space per 400 sq. ft. of total floor area
	Printing and Publishing	1 space per 400 sq. ft. of total floor area
	Photocopying, Mailing, Exterminating and Employment	1 space per 400 sq. ft. of total floor area
	Freight Forwarding and Trucking Terminals	1 space per 5,000 sq. ft. of total floor area
	Self Storage and Warehousing	3 spaces plus 1 space for each 100 units.

Warehousing and Storage	3 spaces plus 1 space per 1000 sq. ft. of floor area
Car Wash, Full Service	1 space per 1,000 sq. ft. of floor area
Car Wash, Self Service	2 spaces plus 1 space per wash bay
All other business services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

7. Repair Services

Automobile Repair, Oil and Fluid Changing Services, Electrical, Radio and Television Repair	1 space per 500 sq. ft. of total floor area with a minimum of 2 spaces
Watch and Reupholstery Repair	1 space per 300 sq. ft. of total floor area with a minimum of 2 spaces
All other repair services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

8. Professional Services

Physicians and Dentist Offices and Clinics	1 space per 150 sq. ft. of total floor area.
Veterinarians and Animal Hospitals	1 space per 300 sq. ft. of total floor area.
Convalescent Homes and Rest Homes	1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces
Day Care and Child Care Centers	1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with adequate stacking area

	Attorneys, Accountants,and Engineers.	1 space per 300 sq. ft. of total floor area.
	All other professional services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
9.	Contract Construction Services	
	All contract construction services	1 space per 1,000 sq. ft. of total floor area.
10.	Governmental Services	
	All governmental services	As determined by the Planning Commission or the Board of Zoning Appeals
11.	Educational Services	
	Elementary and Middle Schools	1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus 10 additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
	Senior High Schools	1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each 7 students based on the capacity for which the building was designed. When an auditorium is provided 1 space per 3 seats is required.
	All other education services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
12.	Miscellaneous Services	

	Labor Unions, Clubs, Lodges and Civic, Social or Fraternal Associations	1 space per 100 sq. ft. of total floor area
	Funeral Home or Moratorium	1 space per 1,000 sq. ft. of floor area
	Other miscellaneous services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
13.	Cultural Activities	
	Libraries, Museums and Art Galleries	1 space per 1,000 sq. ft. of floor area
	All other cultural activities not listed	As determined by the Planning Commission or the Board of Zoning Appeals
14.	Public Assembly	
	Motion Picture Theaters and Amphitheaters	1 space per 3 seats or 6 feet of bench space
	All other public assembly uses not listed	As determined by the Planning Commission or Board of Zoning Appeals
15.	Amusements	
	Golf Driving Ranges and Miniature Golf	2 spaces per hole or tee
	Arcades and Pool Halls	1 space per 200 sq. ft. of total floor area
	All other amusement uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals
16.	Recreational Activities	
	Roller Skating Rinks,	1 space per 250 sq. ft. of total floor

	Gymnasiums and athletic clubs	area
	All other recreational activities not listed	As determined by the Planning Commission or the Board of Zoning Appeals
17.	Communications and Utilities	
	All communications and utilities services	As determined by the Planning Commission and Board of Zoning Appeals
18.	Institutional	
	Churches, Synagogues and other Places of Worship	1 space per 3 seats in the sanctuary
	Nursing	1 space for per 4 beds with a minimum of 4 spaces
	All other institutional uses not listed	As determined by the Planning Commission and Board of Zoning Appeals
19.	Wholesale Trade	
	Drugs, Chemicals and Allied Products	1 space per 1,000 sq. ft. of total floor area.
	Groceries, Electrical Goods, Hardware and other items not listed	1 space per 1,000 sq. ft. of total floor area.
	All other institutional uses not listed	As determined by the Planning Commission and Board of Zoning Appeals
20.	Industrial	
	All Industrial Uses	1 space per 1,000 sq. ft. of floor area or 1.5 spaces for each 2

shift, which ever is greater.

F. In all developments, handicapped parking spaces shall be provided which have a minimum width of 12 feet. The number of handicapped parking spaces in relation to the total number of spaces is listed below:

Total Spaces in Lot	Required number of Handicapped spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total

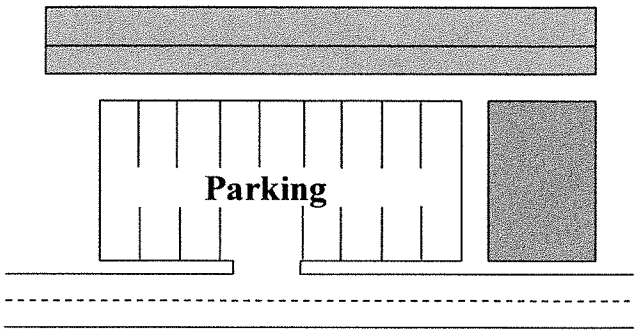
10.1.2. Off-Street Loading Requirements - On the same premises with every building, structure, or part thereof, involving the receipt and distribution of vehicles or materials or merchandise, there shall be provided, and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

1. All spaces shall be laid out in the dimension of at least ten (10) feet by fifty (50) feet and five hundred square feet in area, with a clearance of at least fourteen (14) feet in height.
2. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

10.1.3. Off-Street Parking Guidelines - parking on a commercial/office street front should be minimized and where possible should located behind a building. Parking located along a commercial/office street front where pedestrian traffic is desirable lessens the attractiveness of the area to pedestrians and compromises the safety of pedestrians along the street.

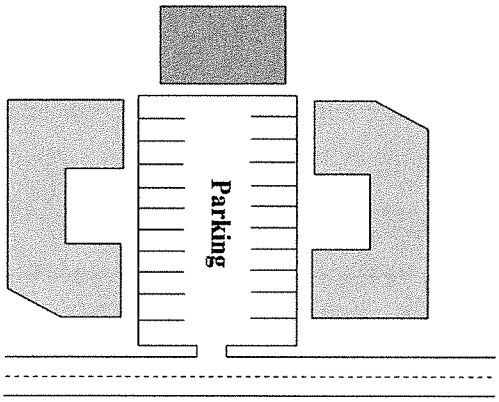
1. Parking lots along the full length of the street front are generally unacceptable (see Figure 1 below).

Figure 1



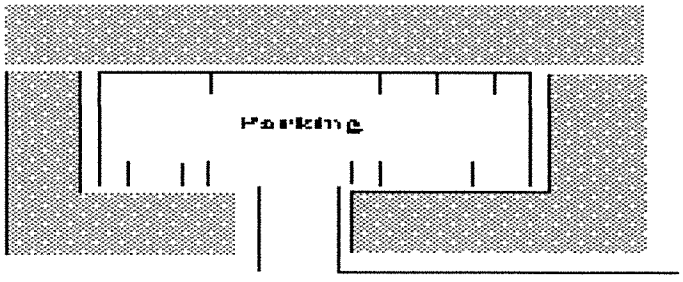
2. In certain situations, limited street front parking lots may be acceptable (see Figure 2 below).

Figure 2



3. Parking lots located behind offices and shops are preferred (see Figure 3 below).

Figure 3



ARTICLE 11

LANDSCAPING, SCREENING AND LIGHTING REQUIREMENTS

11.1. **Purpose** - The purpose of these provisions is to enhance the environmental and visual character of the City of Piperton through the utilization of landscaping, screening and lighting requirements. Landscaping, screening and lighting in an organized and harmonious fashion will enhance the physical environment of the City of Piperton for the comfort, safety and enjoyment of its citizens. Landscaping shall be integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, shrubs, ground cover, and the use of building and paving materials in a manner that respects the natural topographic features and natural resources of the site. The City of Piperton recognizes the need for variations in development and will be receptive to any variations to the standards established herein provided it achieves the same purpose.

11.1.2. Applicability - All new commercial, industrial, multi-family and mobile home park developments, public or private, as well as existing projects where the site or the exterior of the building is to be modified requiring a building permit shall be required to submit landscaping, screening and lighting plans.

11.1.3. Plan Requirement - A Landscaping, Screening and Lighting Plan shall be submitted, reviewed and approved under the provisions of the Site Plan Review requirements in Article X, Section X of this ordinance. The plan may be a part of the site plan but is recommended to be on a separate drawing. The absence of a landscaping, screening and lighting plan shall be grounds for denial of the site plan by the approving body. The landscaping, screening and lighting plan whether submitted as a separate drawing or as part of the site plan shall be drawn to a scale of not less than 1" = 50' and shall include the following:

1. Proposed landscaping and screening along all streets and property lines.
2. Proposed landscaping for all parking areas.
3. Proposed location of all lighting poles, height of poles and style of fixture.
4. All existing and proposed landscape material labeled as to size, quantity and name.
5. All existing trees 8" caliper or greater. Trees to be removed shall be clearly labeled.

11.1.4. Landscaping Requirements - The landscape of the City of Piperton should mirror the landscape of the surrounding region through the utilization of groupings of plats and trees among green lawns. Landscaped areas should be located along the public boundaries of a site, within parking areas, around buildings and at building entries to create sense of the building in natural surroundings. Once an area within a development has been designated as a landscaping area it shall not be encroached upon by any structure or building; nor shall this space be used as an area in calculating the required parking area.

1. Street Scape - The street scape shall be defined as the area behind the property line between the right-of-way line and the paved area. No parking or structures (except signs) shall be allowed in the landscaped area. All multi-family, commercial, office and industrial developments, shall be required to have at a minimum, a landscaped area consisting of an unpaved area planted in grass or mulched with bark and lined with trees. There shall be at least one tree for every thirty (30) linear feet or portion thereof, however this shall not be construed as requiring the planing of trees on 30 foot centers. All required new tree plantings shall be deciduous in nature and shall have a minimum of 2" in caliper. The area shall be a minimum of ten (10) feet in depth, however when the lot adjoins a residential district or if screening or a walking/biking path is required, the depth may be increased to thirty (30) feet. The Planning Commission reserves the right to require vegetative screening, fencing, landscaping berms, or walking/biking paths as an integral part of the landscaped area.
2. Peripheral Scape - The peripheral scape shall be defined as the area in the side and rear yard between the property line and any paved area or structure. All multi-family, commercial, office and industrial developments shall be required to have a landscaped area consisting of an unpaved area planted in grass or mulched bark lined with trees. There shall be at least one tree for every thirty (30) feet or portion thereof, however this shall not be construed as requiring the planting of trees on thirty (30) foot centers. All required new tree plantings shall be deciduous in nature and shall be a minimum of 2" in caliper. No parking structures shall be located or encroach upon the landscaping strip. The strip shall be a minimum of fifteen (15) feet in depth, however when the lot adjoins a residential district or if screening or a walking/biking path is required, the depth may be increased to thirty (30) feet. The Planning Commission reserves the right to require vegetative screening, fencing, landscaping berms, or walking/biking paths as an integral part of the landscaped area.
3. Parking Areas - To improve auto circulation and safety, all parking areas shall have a five (5) foot wide landscaped island between major interior traffic aisles and the interior parking areas to control ingress and egress to the interior parking spaces. In addition, five (5) foot wide and seventeen (17) foot long parking islands shall be provided at the end of all single row parking areas and thirty-five (35) foot long islands for double row parking areas, with the islands being interspersed between fifteen (15) parking spaces in a single row or thirty (30) spaces in a double row. Parking Areas containing fifty (50) or more parking spaces shall be subdivided into sub-lots containing no more than thirty (30) spaces.
4. Parking Islands - When a parking island or landscaping island is required as part of the parking layout plan for a development, the island shall either be landscaped or used as a pedestrian walkway. When the island is to be landscaped it shall be covered in shredded bark, turf or shrubs or canopy

type trees with at least one (1) tree being planted for every fifteen (15) linear feet of parking island. The trees shall be deciduous in nature and shall be a minimum of two (2) inches in caliper. All shrubs shall be either minor deciduous or minor evergreen in nature. When the island is to be used as a pedestrian walkway it shall be at least three (3) feet in width. The paving or covering of an island with rocks shall not be permitted.

11.1.5. Screening Requirements - Screening is designed to provide a visual, physical or noise separation of adjacent conflicting uses and should be designed so that it is an orderly part of the landscape and does not dominate the view. Screening should not compromise safety by blocking vision at intersections and elements requiring screening should not be places to impede vision of any street corner or obstruct visibility of vehicles entering or leaving driveways.

1. Screening shall be required in the following instances.

   A. In all multi-family residential, commercial or industrial developments that are adjacent to residentially zoned property or a residential development.
   B. In all developments that propose the use of double frontage lots.
   C. In all developments that propose the use of auto service functions such as the storage of cars while they are being repaired, have outdoor work areas for vehicles or provide for the storage of vehicles.
   D. In all developments that provide self storage of goods.
   E. Around all waste disposal or garbage collection sites in all multi-family residential, commercial and industrial developments.
   F. Around all residential developments that border or are adjacent to differing residential zones.

2. Vegetative Screening - Vegetative screening is the preferred screening method of the City of Piperton when less intensive commercial developments adjoin residential developments. When vegetative screening is required for conflicting or transitional land uses, the screening at a minimum unless otherwise directed by the Planning Commission, shall consist of a planting strip, planted in the required landscaping area which forms an effective screen for all seasons. The planting strip shall be composed of shrubs that are either of a major deciduous or major evergreen nature. The screen shall be composed of two rows with there being at least one shrub for every two (2) linear feet or portion thereof.

3. Berms - The berm is the preferred screening method of the City of Piperton for developments that will have loading docks, storage areas, parking areas or drives that adjoin or infringe upon a residential area or zone. The use of a berm may also be imposed on a development by the City as a screening

method along major thoroughfares between sidewalks or parking areas and the road. When a berm is required as a screening method or is incorporated into a screening plan, the berm shall be a minimum of three (3) feet in height with the Planning Commission having the option to require a five (5) foot high berm depending on the use being buffered. In instances of screening between residential and industrial developments, the Planning Commission shall require a twenty-five (25) foot wide and five (5) foot high landscaping berm with an eight (8) foot high landscaping screen.

4. Fencing - Fencing required to screen or create privacy shall be constructed of wood, brick, ornamental metal or masonry, or some combination of the three. The use of untreated wood, chainlink, plastic, wire or corrugated metal panels shall not be used as fencing or screening. Fencing required along roadways shall have brick columns located fifty (50) foot on center at a maximum. In addition, all fencing shall meet the following requirements.

   A. Fencing shall be designed to facilitate maintenance and shall not modify natural drainage so as to endanger adjacent property.
   B. Brick or masonry walls shall be constructed of common or face brick, or of poured or precast masonry or decorative block and shall be approved by the building inspector.
   C. The maximum height of fences designed for screening shall be six (6) feet except for fencing utilized around outside storage and service areas. The fencing around outside service or storage areas must be at least six (6) feet in height but no more than eight (8) feet.

11.1.6. **Lighting Requirements** –. The following site lighting design standards are intended to ensure the preservation of the city's rural character, while promoting safety, security, and the nighttime use and enjoyment of property, and to regulate permitted outdoor artificial illuminating devices to the extent that these devices do not produce glare to on-coming traffic, intrusion of light onto adjacent properties, and light pollution in general.

A. **Applicability** -These site lighting design standards shall be applicable to all commercial; office; industrial; multi-family; institutional; public, and quasi-public developments requiring site plan review as provided for in Article 9 of this Ordinance, as well as, all newly proposed outdoor artificial illuminating devices, including modifications/additions to existing devices and/or previously approved site lighting plans, and general residential application (*as specified herein*). Where

B. **Basis For Standards** – The basis for the site lighting design standards contained herein shall be the minimum illumination standards recommended by the Illumination Engineering Society of North America (IESNA) as set forth in the following documents: IESNA Recommended Practices (RP) RP – 20 (Parking Facilities); and RP-33 (Exterior Environment).

C. **Definitions** –

Footcandle -

A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot. By way of reference, the illuminance of full moonlight is measured at 0.01 footcandles.

Glare –

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause loss in visual performance and visibility.

Illuminance –

The amount of light falling onto a unit area of surface – measured in lumens per square meter (lux) or lumens per square foot (footcandles).*Initial Lumens* –

The lumens emitted from a lamp, as specified by the manufacturer of the lamp.

Installed –

Any installation of outdoor lighting fixtures after the effective date of this Article.

Light –

That part of the electromagnetic radiation in the wavelength range visible to the naked eye.

Lighting –

An artificial supply of light.

Lumen -

A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

Luminaire -

A complete light unit consisting of a lamp or lamps together with the components designed to distribute light on any property, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Outdoor Light Fixtures –

Any illuminating device, including electrically powered devices; reflective or refractive surfaces; and lamps and similar devices that is installed outdoors, including, but not limited to, devices used to illuminate any site, structure, or sign.

Maintenance Factor –

A factor related to the lumen depreciation throughout the life of a luminaire as a result of electrode deterioration, lamp blackening, and gradual accumulation of airborne particles on the optical surfaces of luminaires.

Photometric Plan –

A point-by-point plan depicting the intensity and location of lighting on the subject property.

Shield –

A protective cover or shelter designed to obscure light emission.

Shielded (Fully) –

A lighting fixture that is shielded in a such a manner that all light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Shielded (Partially) –

A lighting fixture that is shielded in a such a manner that ninety percent (90%) of the light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point of the shield.

Subject Area (Net) –

An area for which a plan of illumination is proposed. Areas outside of the specified net subject area shall not be included in any required photometric plan as a means to dilute the maximum permitted illuminance levels.

Uniformity Ratio -

A quantitative unit of measure referring to the measurement of lighting uniformity over a specific area. Specified uniformity ratios are designed to protect against areas of insufficient or excessive illuminance.

D. <u>General Requirements</u> –

1. Maximum illumination values for any application shall not exceed twenty (20) percent above IESNA's recommended minimum value for that application, without specific written approval from the Planning Commission.
2. The maximum permitted pole heights for all non-residential applications shall be as follows: Perimeter Lighting (*within 50 yards of residential property*) - fourteen (14) feet; Interior Applications (*over 50 yards from residential property*) – thirty (30) feet. Generally, the height of light fixtures should be in proportion to the building mass. For the purposes of this Article, height shall be measured the ground surface to the bottom of the lighting fixture.
3. The maximum permitted pole height for any residential application shall be fourteen (14) feet.
4. The lighting of a structure or parking area should not cast light beyond property boundaries, and shall not, under any circumstance, exceed one (1) footcandle at a commercial property line, or one-half (1/2) footcandle at a residential property line.
5. The use of building mounted light fixtures shall not be used to illuminate a parking area.
6. Building mounted light fixtures shall not be located higher than the roofline, and shall have its lamp source shielded from view to minimize glare.
7. The use of creative lighting, such as uplighting, downlighting, accent lighting and facade lighting should be used to prevent glare with the fixtures being aimed away from the pedestrian or motorist.
8. Lighting levels shall be based on initial lamp lumens and 1.0 maintenance factor.
9. All lighting installations shall be maintained such that they continually provide acceptable illuminance levels and glare control.
10. The maximum uniformity ratio for all non-residential applications shall be no greater than 10:1, unless otherwise noted.
11. All exterior illuminating devices, except those specifically herein, shall be full-cutoff.

12. Glare and light trespass control shall be required to minimize the consequences of stray light. Light pollution control shall be required to minimize the negative effect of misdirected upward light.
13. Lighting for general residential application shall not exceed 0.5 footcandles at the property line; shall not emit glare onto adjacent properties; and shall be generally comprised of fully shield fixtures.

E. <u>Site Specific Standards and Requirements</u> –

1. Gasoline Station/Convenience Store Aprons and Canopies:

    a. The lighting fixture bulbs shall be recessed into a canopy ceiling and shielded so that the bottom of the fixture is flush with the ceiling, and direct illumination is focused exclusively on the underside of the canopy.
    b. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the sides of the canopy shall not be illuminated.
    c. The lighting for new facilities (*pump islands and under canopies*) shall not exceed an average horizontal illumination level of six (6) footcandles at grade level subject to a uniformity ratio of no greater than 4:1.

2. Parking Lots:

    a. Illumination for parking lots and loading areas shall not exceed an average horizontal illumination level of two and one-half (2.5) footcandles. All lighting fixtures serving these areas shall be fully shielded fixtures as defined herein.

3. Recreational Areas:

    a. Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified in the Photometric Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational event in progress prior to 11:00 p.m.

4. Exterior illumination of Building, Landscaping and Signs

    a. The unshielded outdoor illumination of any building or landscaping is prohibited. Lighting fixtures used to illuminate an outdoor sign either shall be by directed ground lighting or mounted on the top of the sign, and shall comply with shielding requirements provided herein.

F. Exemptions -

1. Municipal Roadway lighting, approved by the City of Piperton;
2. Temporary exemptions - (*with specific written permission from the Board of Mayor and Commissioners, based on findings and a recommendation from the Planning Commission*);
3. Construction and emergency lighting – (*Lighting necessary for construction or emergencies is exempt from the provisions of this Article provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting*).

G. Prohibitions -

1. Floodlights;
2. Searchlights;
3. Mercury Vapor Fixtures.

H. Non-Conforming Fixtures-

1. Any lighting fixture that was legally erected in accordance with the ordinances and other applicable laws in effect on the date of its erection, but which by reason of its height, location, degree of illuminance, or other applicable design standard is not in conformance with the provisions of this Article, shall be classified as a non-conforming light fixture, and be permitted to remain in place and be maintained for a period ending no later than **[TEN YEARS FROM EFFECTIVE DATE OF ARTICLE/ANNEXATION]**, provided that no action is taken which increases the degree or extent of the nonconformity, however, and provided that no change in use, replacement, and structural alteration of the nonconforming light fixture shall be made unless it thereafter conforms to the provisions of this Article.

I. Submittal Requirements -

1. A site plan drawn to scale showing building(s), landscaping, parking areas and proposed exterior lighting fixtures;
2. Location of all post, canopy, supports and light fixtures, including the height of each fixture;
3. Specifications of the illuminating devices, lamps, supports and other devices, including designation as IESNA "cut-off" fixtures. This description may include but is not limited to manufacturers cut sheets;
4. Plan shall include a photometric report with point by point spacing no greater than 10'X 10'. Report shall include minimum, maximum and average footcandle lighting levels, max-to-min ratio; uniformity ratio, and shall indicate the lighting level at the property line;
5. Indicate the means intended for on/off control of exterior lighting fixtures.

6. The above required plans and descriptions shall be sufficiently complete to enable the Planning Commission to readily determine whether the lighting proposal is in compliance with the provisions of this Article. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test results as performed by a recognized testing lab.

11.1.7. Installation and Maintenance - Required landscaping shall be fully installed prior to the issuance of an occupancy permit. If project construction is phased, required landscaping, correspondingly may be phased. Whenever a greenbelt or planting strip is required, it shall be planted prior to the issuance of an occupancy permit and shall be thereafter reasonably maintained by the owner or occupant with permanent plant materials.

ARTICLE 12

ADMINISTRATION AND ENFORCEMENT

12.1. Organization and Purpose - The administration of this ordinance is hereby vested in two offices of the government of the City of Piperton, Tennessee, as follows:

A. The Office of the Building Inspector.
B. The Board of Zoning Appeals.

It is the purpose of this article to define the authority of each of the above offices and to then describe the procedures and substantive standards with respect to the following administrative functions:

A. Issuance of Building Permits.
B. Issuance of Use and Occupancy Permits.
C. Performance Standards.
D. Variances.
E. Special Use Permits
F. Amendments.

12.2. Duties of the Building Inspector

12.2.1. Duties of the Building Inspector - The building inspector shall enforce this ordinance, and in addition thereto and in furtherance of said authority he/she shall:

A. Issue all building permits, and make and maintain records thereof;
B. Issue all use and occupancy permits, and make and maintain records thereof;
C. Conduct inspections of buildings, structures and use of land to determine compliance with this ordinance;
D. Provide information to the public on all matters relating to this ordinance.
E. Receive, file and forward to the Planning Commission all applications for amendment to this ordinance.
F. Receive, file and forward to the Board of Zoning Appeals all applications for variances, special exceptions, and all other matters on which the Board is required to pass under the provisions of this ordinance;
G. Initiate and review, from time to time, a study of the provisions of this ordinance, and make reports and recommendations to the Planning Commission.
H. The building inspector shall be allowed to delegate the duties specified in sub-sections E and F to another with approval by the Planning Commission.

12.2.2 Powers of the Building Inspector Regarding the Issuance of Permits - The building inspector shall have the power to grant building permits and use and occupancy permits, and make inspection of buildings or premises necessary to carry out his/her duties in the enforcement of this ordinance. It shall be unlawful for the building inspector to approve any plan or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the building inspector permitted to make changes to this ordinance nor to vary its terms and provisions in carrying out his/her duties.

The building inspector shall not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon granting of said permit.

12.3. Building, Use and Occupancy Permits

12.3.1. Building Permits Required - It shall be unlawful to commence any site excavation, site grading, other land disturbing activity or public improvements, or to commence the excavation for the construction for any building or structure, including accessory buildings and structures, or to commence the moving or alteration of any building or structure, including accessory buildings and structures until the building inspector has issued a building permit for such work. The permit requirement for land disturbing activities shall not apply to agricultural farming operations, commercial nursery operations or to residential landscaping or gardening activities.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the City of Piperton, unless application for such permit has been examined by the building inspector and has affixed to it a certificate from the building inspector indicating that the proposed building or structure complies with all of the provisions of this ordinance. Any building permit or use and occupancy permit issued in conflict with the provisions of this ordinance shall be null and void.

12.3.2 Plot plan required for Building Permits - The building inspector shall require that all applications for building permits by accompanied by plans and specifications including a plot plan in triplicate, drawn to a scale of one (1) inch equals one hundred (100) feet and showing the following information:

A. The actual shape, location and dimensions of the lot;
B. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or structure already on the lot;
C. The existing and intended use of the lot and all such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate;
D. Location of all driveways and entrances;
E. Position of fences and walls;

F. Location of areas subject to flooding;
G. Percolation tests where subsoil sewage is anticipated.

12.3.3. Use and Occupancy Permit Required - No building or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the building inspector. No change in use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the building inspector.

12.3.4. Application for Use and Occupancy Permit - Every application for a building permit shall be deemed an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no building permit is required shall be made directly to the building inspector.

12.3.5. Issuance of Use and Occupancy Permit - The following shall apply in the issuance of any use or occupancy permit:

A. No use and occupancy permit shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with the provisions of this ordinance.
B. Use and occupancy permits may be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land are in conformity with the provisions of this ordinance.
C. Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permits for a portion of a building or structure in process of erection or alteration, provided that such temporary permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.
D. Building accessory to dwellings shall not require use and occupancy permits but may be included in the use and occupancy permits for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

12.3.6. Records of Use and Occupancy Permits - A record of all use and occupancy permits issued shall be kept in the Office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property owned.

12.3.7. Final Inspection - No use or occupancy permit for a building, structure or an addition thereto, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the building inspector to be in conformity with the plans and

specifications upon which the building permit was based and with the applicable performance standards.

12.4. Board of Zoning Appeals

12.4.1 Termination of Existing Boards - The functioning of the existing Board of Zoning Appeals shall terminate upon appointment of the Board of Zoning Appeals as authorized under this ordinance and as provided by Section 13-705, Tennessee Code Annotated.

12.4.2. Creation and Appointment - A Board of Zoning Appeals is hereby established in accordance with Section 13-705, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, not more than one (1) of whom shall be members of the Piperton Municipal Planning Commission. They shall be appointed by the Mayor of the City of Piperton. The terms of membership shall be three (3) years, except that the initial individual appointments to the Board shall be termed of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for an unexpired term by appointment by the Mayor of the City of Piperton.

All members of the Board shall serve with such compensation as may be fixed by the Board of Commissioners and may be removed from membership by a majority vote of the Board of Commissioners for continuous absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision.

12.4.3. Powers of the Board - The Board is hereby vested with the powers to:

1. Hear and decide appeals from any order, requirement, decision or determination made by the building inspector in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the building inspector is in error or has acted in an arbitrary manner.
2. Hear and act upon application for variances in accordance with Section X of this Chapter to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot.
3. Hear and decide, in accordance with the provisions of this ordinance, requests for special use permits
4. Hear and decide all matters referred to it on which it is required to act under this ordinance
5. Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

12.4.4. Election of Officers - The Board shall elect from its members its own chairman and vice-chairman, and secretary who shall serve for one (1) year and may upon election serve succeeding terms.

12.4.5. Conflict of Interest - Any member of the Board who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the Board shall be disqualified from participation in the discussion, decision, and proceedings of the Board in connection therewith. The burden of revealing any such conflict rests with individual members of the Board. Failure to

reveal any such conflict shall constitute grounds for immediate removal from the Board.

12.4.6. Meetings of the Board - Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

12.4.7. Rules and Proceedings of the Board - The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of two members shall constitute a quorum and the concurring vote of at least two members of the Board shall be necessary to deny or grant any application before the Board;
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be published in a newspaper of general circulation in Piperton at least five (5) days before the date set for a pubic hearing and a written notice of the hearing be sent by mail to the appellant and all directly affected property owners at least five (5) days before the hearing. The notice to the appellant shall be sent by certified mail.
3. The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Piperton Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency or department of the City of Piperton or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law.
6. In any decision made by the Board on a variance, the Board shall:

    (a) Indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
    (b) In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board.

7. Any decision made by the Board on a special use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit.
8. 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
9. 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.

12.4.8. **Stay of Proceedings** - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector 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 imminent peril to life or property. In such instance, the proceedings shall not be stayed other 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 building inspector, and on due cause shown.

12.4.9. **Right to Entry Upon Land** - The Board, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

12.4.10. **Sign Permits** - All building permit applications for signs must be reviewed and approved by the building inspector before issuance and no sign or advertising structure shall be approved which seeks to advertise a product or business not directly related to the commercial location on which the sign or advertising structure is proposed to be erected or located.

12.5. **Zoning Variances** - The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this chapter.

12.5.1. **Application for Variance, Notice of Hearing, Fee** - A written application for a variance shall be filed with the Board by the property owner or his designated agent on forms provided by the Board and the application shall contain information and exhibits as may be required under Article 12. No more than 60 days after the filing of the application, the request shall be considered by the Board, unless otherwise withdrawn or postponed by written request by the applicant. A fee to be determined by resolution, payable to the City of Piperton shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

12.5.2. **Notice to Affected Property Owners** - Notice to affected property owners and to the general public shall be given in conformance with the procedure set out in Article 12, Section 4 of this ordinance.

12.5.3. **Standard for Variances** - The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.

5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on this applicant any special privilege that is denied by this ordinance to other lands, structures, or building in the same district.
7. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
8. The granting of the variance will not be detrimental to the public welfare of injurious to other property or improvements in the area in which property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

12.5.4. **Non-Conformity Does Not Constitute Ground for Granting of a Variance** - No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

12.5.5. **Prohibition of Use Variances** - Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

12.5.6. **Administrative Variances for Residential Lots of Record.** The Building Official, with concurrence of the Planning Commission Chairman, or the Chairman's appointed representative, may grant an administrative variance of up to five (5) percent of an applicable yard setback for a residentially zoned lot of record. The person seeking the administrative variance must submit an application and fee as is required for other variances. Public notice shall not be required. Appeals shall be to the Board of Zoning Appeals. Public notice of the Board of Zoning Appeals hearing on such appeal shall be the same as other variances. Such administrative variance may be considered only when it is determined that a field error has occurred regarding placement of a permanent structure on the lot of record.

12.6. **Conditions and Restrictions by the Board** - The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Article 12, Section 5, to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of the variances.

12.7. **Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official** - In exercising its powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

12.8. **Variance Appeals** - Any person including any agency of the city government aggrieved by a decision of the Board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

12.9. **Special Exceptions**

12.9.1. **Special Exceptions** - The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions. For the purposes of administration of this ordinance, special exceptions shall be construed as synonymous with special exceptions, as controlled by Section 13-706, Tennessee Code Annotated.

12.9.2 **Application for a Special Exception, Notice of Public Hearing** - The application for a special use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required by this ordinance or in the case of buildings or other structures or uses to be located within flood plain districts, as may be required by Article 14. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with this ordinance. A fee to be set by resolution by the Board of Mayor and Commissioners, payable to the City of Piperton shall be charged to partially defray cost of review and processing for each application for a special exception, except that the fee shall be waived for any governmental agency.

12.9.3 **Requirements for Special Exceptions** – General requirements are hereby established which shall apply to all applications for special exceptions, and specific standards listed shall apply to the issuance of a special use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a special exception as may be necessary to comply with the provisions set out in Article 12, Section 9 in order to reduce or minimize the injurious effect of such special exception upon and insure compatibility with surrounding property and to better carry out the general intent of this ordinance. The Board may establish expiration dates for the expiration of any special exception as a condition of approval.

12.9.4. **General Requirements** - A special exception shall be granted provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this ordinance.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location.

12.9.5. **Specific Standards for Incidental Home Occupations** - In addition to the requirements of the applicable district and the general requirements set forth above and contained in Article 3.14, a special exception shall be granted for a home occupation when the following conditions and standards are met.

1. The area of the accessory building used for the home occupation shall not be greater than thirty (30) percent of the total floor area of the principal structure.
2. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
3. Client/Customer visitations shall be limited to one client/customer being served as a time.
4. All public contact related to the home occupation shall be limited to the period between 7 am to 9 pm.

12.9.6. **Specific Standards for B-1 Districts** - In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the B-1 zone when the following conditions and standards are met.

1. All of the bulk regulations of the zone district shall apply.
2. The location of such facility shall not materially increase traffic on surrounding streets.
3. The location of such facility shall not have an adverse effect on surrounding properties.
4. The operations of the facility shall not create noise, orders or vibrations which are considered uncharacteristic or a nuisance for the district.

5. The site plans for such facility shall first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

12.9.7. **Specific Standards for Communications Towers and Non-Inhabitable Structures exceeding Height Regulations.** – In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for Communication Towers and other non-inhabitable structures exceeding height regulations when the standards established are met as part of the condition for issuing the permit in the applicable zone district. The Board of Zoning Appeals retains the right to waive the following regulations for uninhabited structures not serving as Communication Towers.

1. Setbacks

   A. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, which ever is greater.
   B. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, shall be equal to one hundred (100) percent of the tower height.

2. Shared Use

A. The shared use of existing towers shall be required throughout the City. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons.

(a) The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.
(b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
(c) The planned equipment would not function effectively and reasonably on an existing tower.
(d) Geographic service requirements would prevent the co-use of an existing tower and structure.

B. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

3. Type - All new towers over sixty feet in height shall be of monopole type structure. No lattice type antennas or towers over sixty feet in height shall be permitted in the City of Piperton.

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

5. Screening and Landscaping

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

landscaping treatment or physical features that meet the intent and purpose of this section.

6. Height

   A. No tower shall exceed a height of one-hundred and fifty (150) feet.
   B. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus twenty (20) feet.

7. Co-Located Towers and Antennas - The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

8. Vehicle Access Control - The Location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Board of Zoning Appeals in accordance with these regulations.

9. Lighting

   A. Towers: No artificially lighted tower shall be permitted in the City of Piperton. If the proposed tower is required to be lighted by FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
   B. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

10. Security - The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.

11. Removal of Obsolete Towers

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

tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Mayor of Piperton and the city engineer and then approved by the Planning Commission during the site plan review process.

12. Site Plan Requirements- Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and the provisions in Article 9, shall be required.

    A. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.
    B. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
    C. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and applicable structural standards and, also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
    D. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

12.9.8. <u>Specific Standards for Community Facility Activities</u> - In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified in this ordinance when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

1. Special Conditions for Day Care Centers, Group Day Care Homes

    A. All other bulk regulations of the district shall be met.
    B. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
    C. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Public Health Department.
    D. All regulations of the State of Tennessee and the Department of Human Services that pertain to the use shall be met.
    E. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
    F. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area from such facilities.

2. Special Conditions for public utilities, Police and Fire Stations

    A. The location of such facility shall be within a certain service area in order to provide the most efficient service to such area.
    B. All of the bulk regulations of the zone district shall apply.

C. The location of such facility shall not materially increase traffic on surrounding streets.
D. The location of such facility shall not have an adverse effect on surrounding properties.
E. The site plans for such facility shall first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

3. Special Conditions for military installations, public and private utility corporations or truck yards, radio and television transmission stations, railroad, bus and transit terminals, railroad yards and other transportation equipment marshaling and storage yards, electric transmission lines, and major fuel transmission lines, cemeteries, mausoleums, golf courses, reservoirs and water tanks, sewage disposal treatment plants and water production - treatment facilities.

A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
D. The site plan for such facilities shall first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

12.9.9. <u>Specific Standards for Commercial Activities</u> - A special exception shall not be granted for the commercial activities specified in Article 6 unless the standards established therein are met as a part of the conditions for granting such exception in the applicable districts.

1. Special Conditions for Scrap Operation Activities and Motor Vehicle Parts, Used (i.e. Junk Yards).

A. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
B. The scrap operation shall not include any open burning activity on the site.
C. The bulk regulations and performance standards of this ordinance shall apply.
D. Insect and rodent control measures shall be provided as approved by the County Health Department.
E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
F. The operation of such facility shall not have an adverse effect on the properties in the surrounding areas.
G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

2. Special Conditions for Auto Repair (mechanical), Garages, and Auto Body Repair and Paint Shop Activities.

   A. The location, size and design of the site and facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
   B. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
   C. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
   D. No front or side yards shall be used for the storage of any automobile or other mechanical equipment.
   E. Where automobiles are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8) feet.
   F. All required fences and landscape screens shall be maintained in a neat and attractive manner.
   G. The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.

3. Special Conditions for Motels

   A. The location, size and design of such facilities shall be compatible with the development within the surrounding area, thus reducing the impact upon the adjoining properties.
   B. All of the bulk, area, yard, and parking regulations of the zone district shall apply.
   C. There shall be provided along the entire site boundaries, fencing, screening, and landscaping as appropriate to protect any surrounding area.
   D. The traffic generated by such facility shall be safely accommodated along major streets without transversing local minor streets.

4. Special conditions for Warehousing and Self Storage.

   A. The location, size and design of such facilities shall be compatible with the development within the surrounding area, thus reducing the impact upon the adjoining properties.
   B. All of the bulk, area, yard, and parking regulations of the zone district shall apply.
   C. There shall be provided along the entire site boundaries, fencing, screening, and landscaping as appropriate to protect any surrounding area.
   D The traffic generated by such facility shall be safely accommodated along major streets without transversing local minor streets.
   E. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.

5. Special conditions for pest control, building maintenance services and services NEC.

   A. The location, size and design of the site and facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
   B. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
   C. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
   D. No front or side yards shall be used for the storage of any mechanical equipment.
   E. Where automobiles are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8) feet.
   F. All required fences and landscape screens shall be maintained in a neat and attractive manner.
   G. The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.

12.9.10. Specific Standards for Commercial Stables and Riding Academies. – In addition to the requirements of the applicable district and the general requirements of the applicable district and the general requirements set forth in Section 12.9.4 of this Article, a special exception shall be granted for Commercial Stables and/or Riding Academies when the following conditions and standards are met.

1. For the purposes of this Article, Commercial Stables and related Riding Academies shall be defined as existing or newly constructed facilities designed and intended for quartering, training, and riding horses ("horses" shall include all equine animals), the facilities of which are offered to the public for commercial purposes ("commercial purpose" shall be defined as the use of land, buildings, or any structure for the purposes of buying and selling commodities and/or supplying of services, and further distinguished from such purposes as manufacturing or assembly of goods).
2. The minimum lot, parcel, or tract area for Commercial Stables and Riding Academies shall be 10 acres.
3. Bulk requirements for Commercial Stables and Riding Academies shall generally be as provided for in the applicable Zone District; however, this provision shall not preclude the Board of Zoning Appeals (upon recommendation from the Planning Commission) from requiring more exacting bulk requirements, when appropriate, in order to mitigate potential detrimental impacts on adjacent properties.
4. The owner/operator of any proposed Commercial Stable and/or Riding Academy facility shall provide to the Board of Zoning Appeals a comprehensive operations plan that addresses the following elements: insect and rodent control; noxious odor control; noise generating activities; and waste disposal.
5. The maximum number of horses permitted shall be one (1) per acre, unless the applicant can provide evidence to the satisfaction of the Board of Zoning Appeals, based on the applicant's comprehensive operations plan, that an increase in the corresponding ratio of animals to acreage would not result in

adverse conditions that violate the intent of this article. In those instances where an increase in number of horses is determined to be warranted, the applicant shall be required to file an annually renewable comprehensive operations plan, which shall be reviewed by the Board of Zoning Appeals for compliance with the criteria under which the originally submitted comprehensive operations plan was approved.

6. The stable facilities shall provide for at least 100 square feet for each horse quartered.
7. All buildings and structures related to the care of horses and/or to the conduct of the academy shall be located at least 100 feet from any property line.
8. Off-street parking, service areas, and buildings or structures not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from adjacent properties.
9. The street providing access to any lot, parcel, or tract offering Commercial Stable and/or Riding Academy services shall be a collector street as classified on the City's Major Road Plan, or at a minimum, function as a collector street as determined by the City Engineer. Moreover, any lot, parcel, or tract offering Commercial Stable and/or Riding Academy services shall contain at least 50 feet of frontage on a dedicated public street meeting the functional classification as described above.
10. A site plan for any lot, parcel, or tract offering Commercial Stable and/or Riding Academy services is required, and shall first be approved by the Planning Commission as provided for in Article 9, Section 9.1.1.(2). Required elements of the site plan, in addition to the criteria outlined in Article 9, shall include: a parking and circulation plan; a lighting plan; a landscape plan; and proposed signage, if applicable.

12.9.11. **Specified Standards for Office Districts** - A special exception shall not be granted for the activity in the O District specified in Article 6 unless the standards established therein are met as a part of the conditions for granting such exception in the applicable zone districts.

1. Specified standards for Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities in O Districts.

   A. All Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities shall be designed primarily for the use of employees. As such, these uses should not be intended for or advertised to the general public.
   B. The location of these special exceptions should be located entirely inside another facility or designed to serve and incorporated into a number of clustered facilities.

2. Specified standards for services, NEC.

   A. The location, size and design of the site and facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
   B. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.

C. No front or side yards shall be used for the storage of any automobile or other mechanical equipment.

D. Where automobiles are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8) feet.

E. All required fences and landscape screens shall be maintained in a neat and attractive manner.

F. The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.

12.9.12. Specified Standards for Light Industrial Districts - A special exception shall not be granted for the light industrial activity in the M-1 District specified in Article 7 unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Light Manufacturing in M-1 Districts.

A. All applicable requirements of the Zoning District shall be met. If variances are requested to these requirements, a separate application must be made to the Board of Zoning Appeals.

B. Additional Site Plan requirements as stated below:

A general site plan drawn to scale (one inch equals one hundred feet) shall be submitted to the Board of Zoning Appeals fifteen (15) days prior to its scheduled meeting date.

The site plan shall show the following information:

(1) The type of the proposed manufacturing use and the location and size of the existing or proposed building, parking and signage.

(2) A written report shall be required. This report shall contain a description of the proposed use or uses outlining the number of employees, type of equipment used, square footage of floor area, and a statement noting that the property owners in the general vicinity of the proposed use have been notified.

The report shall note all comments of these property owners and shall be accompanied by a notarized statement or affidavit verifying compliance with the criteria and conditions/stipulations for locating such use in the M-1 zone.

C. New construction or rehabilitation of existing structures shall be of materials and design consistent with the existing area structures.

D. Machines or equipment should not emit noise or fumes noticeable to the adjacent property owner(s) or the general public from the street.

E. The manufacturing use shall not be such which will pollute the environment with noise or emit particulate matter into the air.

F. No evidence of the manufacturing use from the exterior or the building or display windows shall be visible to the general public. Outside storage of raw materials or finished products shall not be allowed.

G. The general site plan, written report, and notarized statement/affidavit must be submitted prior to approval.

2. Specified Standards for Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities in M-1 Districts.

A. All Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities shall be designed primarily for the use of employees. As such, these uses should not be intended for or advertised to the general public.

B. The location of these special exceptions should be located entirely inside another facility or designed to serve and incorporated into a number of clustered facilities.

12.9.13. <u>Specified Standards for Heavy Industrial Districts</u> - A special exception shall not be granted for the heavy industrial activity in the M-2 District specified in Article 7 unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Specified standards for Transportation by Air.

A. All applicable requirements of the Zoning District shall be met. If variances are requested to these requirements, a separate application must be made to the Board of Zoning Appeals.

B. The Planning Commission shall ensure that adequate overlay zoning districts related to air transportation are in place prior to any development of this type.

C. Additional Site Plan requirements as stated below:

A general site plan drawn to scale (one inch equals fifty feet) shall be submitted to the Board of Zoning Appeals fifteen (15) days prior to its scheduled meeting date.

The site plan shall show the following information:

(1) The type of the proposed use and the location and size of the existing or proposed air access, building, parking and signage.

(2) A written report shall be required. This report shall contain a description of the proposed use or uses outlining the number of employees, type of equipment used, square footage of floor area, a statement on the amounts of noise expected and a statement noting that the property owners in the general vicinity of the proposed use have been notified.

The report shall note all comments of these property owners and shall be accompanied by a notarized statement or affidavit verifying compliance with the criteria and conditions/stipulations for locating such use in the M-2 zone.

D. New construction or rehabilitation of existing structures shall be of materials and design consistent with the existing area structures.

E. Machines or equipment should not emit noise or fumes noticeable to the adjacent property owner(s) or the general public from the street.

F. The manufacturing use shall not be such which will pollute the environment with noise or emit particulate matter into the air.

G. No evidence of the manufacturing use from the exterior or the building or display windows shall be visible to the general public. Outside storage of raw materials or finished products shall not be allowed.

H. The general site plan, written report, and notarized statement/affidavit must be submitted prior to approval.

2. Specified standards for Mobile Home Sales.

A. A general circulation plan for the proposed development showing the intended loading and unloading areas, as well as truck turn around areas must be submitted.

B. Display of mobile homes shall not be allowed in the required setbacks of the district. If setbacks do not apply, the required setback shall be 50 feet on all sides or three (3) times the applicable setback to an adjoining zoning district, whichever is greater.

C. All establishments must designate specific customer parking and driving areas, as well as specific display areas.

D. Standards applicable for outside storage and landscaping must be met by any proposed development.

3. Specified Standards for Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities in M-2 Districts.

A. All Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities shall be designed primarily for the use of employees. As such, these uses should not be intended for or advertised to the general public.

B. The location of these special exceptions should be located entirely inside another facility or designed to serve and incorporated into a number of clustered facilities.

4. Special Conditions For all special exceptions in M-2 Districts.

A. All applicable requirements of the Zoning District shall be met. If variances are requested to these requirements, a separate application must be made to the Board of Zoning Appeals.

B. Additional Site Plan requirements as stated below:

A general site plan drawn to scale (one inch equals one hundred feet) shall be submitted to the Board of Zoning Appeals fifteen (15) days prior to its scheduled meeting date.

The site plan shall show the following information:

(1) The type of the proposed manufacturing use and the location and size of the existing building, parking and signage.

(2) A written report shall be required. This report shall contain a description of the proposed use or uses outlining the number of employees, type of equipment used, square footage of floor area, and a statement noting that the property owners in the general vicinity of the proposed use have been notified.

The report shall note all comments of these property owners and shall be accompanied by a notarized statement or affidavit verifying compliance with the criteria and conditions/stipulations for locating such use in the M-2 zone.

C. New construction or rehabilitation of existing structures shall be of materials and design consistent with the existing area structures.

D. No evidence of the manufacturing use from the exterior or the building or display windows shall be visible to the general public. Outside storage of raw materials or finished products shall not be allowed.

E. The general site plan, written report, and notarized statement/affidavit must be submitted prior to approval.

F. No use shall be permitted which produces electromagnetic interference with radio or television reception in neighboring residential, office or commercial districts.

12.9.14 Specific Standards for Wedding Chapels, Special Event Facilities in the Rural Conservation District. – In addition to the requirements of the applicable district and the general requirements set forth in Section 12.9.4 of this Article, a special exception shall be granted for Wedding Chapels, Special Event Facilities when the following conditions and standards are met:

1. For the purposes of this Section, the conducting of wedding ceremonies and receptions, and other special events, including meetings, conferences,

banquets, dinners, and private parties for a fee, hereinafter "Special Event", shall only be permitted on a single lot, parcel, or tract of record, for which the Special Event use is ancillary to an existing principal residential use that is owner-occupied.

2. The minimum lot, parcel or tract area for Wedding Chapels, Special Event Facilities shall be fifteen (15) acres.

3. Attendance at a Special Event shall be permitted only by invitation or reservation, and shall not exceed two-hundred fifty (250) persons per Special Event.

4. The owner/operator of any proposed Wedding Chapel, Special Event Facility shall provide to the Planning Commission and Board of Zoning Appeals a comprehensive operations plan that addresses the following elements: *hours of operation; parking/traffic control; noise generating activities; catering operations; sanitary sewer*, and *waste disposal.*

5. The hours of operation for any Special Event shall be from 10:00 a.m. to 11:00 p.m.

6. The service of alcohol at any Special Event shall be limited to operations in conformance with special event liquor licenses which may be brought in by licensed and insured caterers/vendors in conformance with applicable county and state regulations.

7. Commercial kitchens shall not be permitted on the premises. The kitchen that is part of the principal residence may be used by licensed caterers for the handling, warming and distribution of food, but no food preparation shall be permitted.

8. Bulk requirements for Wedding Chapels, Special Event Facilities shall generally be as provided for in the applicable Zone District; however, this provision shall not preclude the Board of Zoning Appeals (*upon recommendation from the Planning Commission)* from requiring more exacting bulk requirements, when appropriate, in order to mitigate potential detrimental impacts on adjacent properties.

9. Should outdoor structures, such as tents, need to be erected temporarily to accommodate receptions and other such events, these structures shall be subject to the same setback requirements applicable to permanent structures on the premises.

10. Off-street parking for Special Event functions shall be provided on "all weather" surfaces, and in an amount prescribed by the Board of Zoning Appeals, with a recommendation from the Planning Commission.

11. The street providing access to any lot, parcel, or tract on which Special Events are proposed to be conducted shall be a collector level street, or higher, as classified on the city's Major Road Plan

12. A site plan is required for any lot, parcel, or tract on which a Wedding Chapel, Special Event Facility is proposed to be constructed, or Special Events are proposed to be conducted. The required site plan shall first be approved by the Planning Commission as provided for in Article 9, Section 9.1.1.(2). Subsequently, the Planning Commission shall tender a recommendation to the Board of Zoning Appeals who shall have final authority over the approval or denial of a request for the Special Exception. Required elements of the site plan, in addition to the criteria outlined in Article 9, shall include: *building/structure location; an off-street parking, circulation, and loading plan; a lighting plan; a landscape/perimeter buffering plan; and proposed signage, if applicable.*

13. Any proposal for the expansion of, or addition to, a previously approved Special Exception permit for a Wedding Chapel, Special Event Facility shall necessitate an application for a new Special Exception permit based on the conditions and standards contained herein.

14. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed Wedding Chapel, Special Event Facility as it may deem advisable in the furtherance of the general purposes of this Ordinance, including, but not limited to, prescribing a "period of time" that an approved Wedding Chapel, Special Event use may operate.

15. The Board of Zoning Appeals shall reserve the right to revoke an approved Special Exception permit for a Wedding Chapel, Special Event Facility if it determines that the Wedding Chapel, Special Event Facility, as established, has violated any condition(s) of its prior authorization.

16. Any Applicant who's Wedding Chapel, Special Event Facility use has been approved for operation by the Board of Zoning Appeals, shall subsequently secure all required permits and a City of Piperton business license prior to opening for business.

12.9.15 Specific Standards for Veterinary Hospital or Clinic in the B-2, Minor Planned Commercial (B-2) District and B-3, Major Planned Commercial (B-3) Districts. In addition to the requirements of the applicable district and the general requirements set forth in Section 12.9.4 of this Article, a special exception shall be granted for Veterinary Hospitals or Clinics when the following conditions and standards are met:

1. The street providing access to any lot, parcel, or tract on which a Veterinary Hospital or Clinic is proposed to be conducted shall be a collector level street, or higher, as classified on the city's Major Road Plan.

2. The entire business must be conducted wholly within a completely enclosed sound resistant, building

3. The owner/operator of any proposed Veterinary Hospital or Clinic shall provide to the Planning Commission and Board of Zoning Appeals a comprehensive plan that addresses the following elements: *hours of operation; parking/traffic control; noise control; sanitary sewer, and waste disposal.*

4. The grooming and boarding of domestic pets is allowed for a Veterinarian Hospital or Clinic under certain conditions:

    a) Grooming and boarding services shall be ancillary to the principal use of Veterinarian Hospital or Clinic.
    b) No more than thirty percent of the Veterinarian Clinic's gross floor area may be used for the boarding of pets.
    c) All boarding must be provided within the Clinic's building facility. Outside boarding is not permitted.
    d) Cages: Each animal boarded at the facility shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of the cage. Cages are to be of material and construction that permits daily cleaning and sanitizing. Each cage will have appropriate bedding material.
    e) Watering of Animals: All animals shall have fresh water provided at all times.
    f) An area shall be provided for the daily walking and exercising of boarded animals. In the event that the area is under separate ownership, a signed and notarized agreement from the owner allowing use by the Clinic shall be provided to the City. This agreement shall be renewed annually.
    g) On-site waste collection. Waste shall be removed from walking area daily. All on-site waste shall be housed within the Clinic facility, or an accessory structure if available, and shall be disposed of in a sanitary fashion no less frequently than once per week. All liquid by-products generated by the grooming and boarding of pets shall be disposed of via an approved sanitary sewer system for which an appropriate filtering system may be required.

5. No animals shall be housed outside the building at any time.

6. Noise, offensive odors, or unsightly appearances created by activities within the facility shall not be perceptible beyond the property line.

7. All animal waste and tissues shall be disposed of in such a matter so as to prevent it from becoming a public nuisance.

8. A site plan is required for any lot, parcel, or tract on which a Veterinary Hospital or Clinic is proposed to be constructed or proposed to be conducted. The required site plan shall first be approved by the Planning Commission as provided for in Article 9, Section 9.1.1(2). Subsequently, the Planning Commission shall tender a recommendation to the Board of Zoning Appeals who shall have final authority over the approval or denial of a request for the Special Exception. Required elements of the site plan, in addition to the criteria outlined in Article 9, shall include: *building/structure location; an off street parking, circulation, and loading plan; a lighting plan; a landscape/perimeter buffering plan, and proposed signage, if applicable.*

9. Any proposal for the expansion of, or addition to, a previously approved Special Exception permit for a Veterinary Hospital or Clinic shall necessitate an application for a new Special Exception permit based on the conditions and standards contained herein.

10. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed Veterinary Hospital or Clinic as it may deem advisable in the furtherance of the general purposes of this Ordinance, including, but not limited to prescribing a "period of time" that a Veterinary Hospital or Clinic may operate.

11. The Board of Zoning Appeals shall reserve the right to revoke an approved Special Exception permit for a Veterinary Hospital or Clinic if it determines that the Veterinary Hospital or Clinic, as established, has violated any condition(s) of its prior authorization.

12. Any Veterinary Hospital or Clinic proposing to conduct business within the City of Piperton shall connect to City water and sewer facilities.

13. Any Applicant whose Veterinary Hospital or Clinic use has been approved for operation by the Board of Zoning Appeals, shall subsequently secure a required permit and a City of Piperton business license prior to opening for business.

12.10. Amendments

12.10.1. General - The City Commission may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience and general welfare require such amendment.

12.10.2 Initiation of Amendment - Amendments may be initiated by City Commission, the Planning Commission or by an application of one or more owners or agents of property affected by the proposed amendment.

A. Application for Amendment - Fee

An application by an individual for an amendment shall be accompanied by a fee to be set by resolution, payable to the City of Piperton, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. Specifically, the application shall contain the following information:

1. Name, address and telephone number of applicant.
2. If different from the applicant, the name, address and telephone number of the owner or other person having a contractual interest in the property for which a zoning district amendment is requested.
3. A plot plan drawn to scale of 1:100 and legal description of each parcel of property proposed to be reclassified.
4. A vicinity map drawn to a scale of 1:200 showing the subject property and all other parcels within 500 feet of the lot edges. Such vicinity map shall show any and all streets, roads or alleys and shall indicate the owner's name and dimensions of each parcel shown.
5. A list of the names and addresses of the owners of each parcel of property shown on the vicinity map.
6. Present zoning classification and use of each parcel of property for which a zoning amendment is requested.
7. If an amendment to the zoning map is requested, the zoning classification requested for each parcel which is the subject of the application.
8. If an amendment to the text of the Zoning Ordinance is requested, the language of the proposed text amendment and a statement of the reason for the requested amendment.

B. Review and Recommendation of the Planning Commission

The Planning Commission shall review and make recommendations to the Board of Commissioners on all proposed amendments to this ordinance. Failure by the Planning Commission to take any action on the review of a proposed amendment within thirty-five (35) days shall constitute approval by the Planning Commission.

C. Grounds for an Amendment

The Planning Commission in its review and recommendation and the Board of Commissioners in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The amendment is in agreement with the general plan for the area;
2. It has been determined that the legal purposes for which zoning exists are not contravened.
3. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

D. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this ordinance prior to the final reading by the Board of Commissioners. Notice of such hearing shall be displayed as follows:

1 The City Recorder shall give notice in a newspaper of general circulation within the City of Piperton at least 15 days but no more than 45 days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

E. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map which is part of this ordinance, the Building Inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

F. Effect of Denial of Application

Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

1. Upon initiation by the Board of Commissioners or Planning Commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the

general plan has subsequently been amended in a manner which will allow the proposed zoning.

12.11. Remedies and Enforcement

12.11.1. Complaints Regarding Violations - Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the building inspector. The building inspector shall record properly such complaint, immediately investigate, and take action thereon as provided in this ordinance.

12.11.2. Penalties for Violation - Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances, site plan review, or conditional uses) shall constitute a misdemeanor and shall be punished as provided for by law. Each day such violation exists shall be deemed a separate offense.

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

12.11.3. Remedies - In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building or other structure or land is or is proposed to be used in violation of this ordinance, the building inspector or other appropriate authority of the city government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, extension, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the building inspector may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re-establishment of service be withheld therefrom until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request.

ARTICLE 13

PLANNED DEVELOPMENT OVERLAY DISTRICT (PD-O)

Purpose.

The purpose of this article is to provide a mechanism to achieve greater flexibility in the development of office, commercial, and industrial land use than would otherwise be afforded by the conventional bulk requirements of this ordinance, and static design criteria of the city's subdivision regulations. Furthermore, it is the intent of this article that the objectives of this ordinance relating to protection of the public health, safety, and welfare can be achieved through skillful planning without literal application of the detailed regulations otherwise applicable, and that special amenities and benefits to the city beyond those otherwise required by this ordinance, can be achieved by allowing more flexible planning than is otherwise permitted by this ordinance and the city's subdivision regulations. Accordingly, through the establishment of a Planned Development Overlay District (PD-O), and approval of a Master Development Plan, it is intended that property regulated under this article will be planned as an integrated unit, and its development governed by a specific plan rather than by generally applicable verbal regulations and quantitative standards. It should be noted, however, that development approval under this article is discretionary, and not a right that can be claimed. Exceptions to the normal regulations are not granted automatically, but only upon finding that they will result in a superior development that promotes the public interests.

Objectives.

The city may, upon proper application, approve a zoning map amendment to establish a PD-O District for a site of at least two (2) acres to facilitate the use of flexible techniques of land development and site design by providing relief from the zoning ordinance and subdivision regulation requirements designed for conventional developments, in order to obtain one or more of the following objectives:

A. Promote the most efficient use of land through comprehensive site planning in order to facilitate a more harmonious arrangement of buildings, circulation systems, land use and utilities.

B. Preserve to the greatest extent possible the existing landscape features and amenities, and to include such features within the design of the planned development.

C. Coordination of principal building forms and relationships, signage, and other accessory structures within the planned developments.

D. Promote the concepts of sustainable development, smart growth, and concurrency, with regard to the planned development's relation to existing and/or proposed public infrastructure.

Relation Between PD-O Districts and Underlying Zone Districts.

A. **Deviation from Use Restrictions of Underlying Zone District**

While the primary purpose of the PD-O District is to provide maximum design flexibility, it is not, however, the intent of this article to usurp the use restrictions of the zone districts in which a PD-O District is permitted and proposed to be established. Accordingly, a PD-O District shall not provide for any use(s) specifically excluded from the permitted, accessory, and/or special exception uses within an underlying zone district for which a PD-O District is proposed.

B. **Permitted Zone Districts**

PD-O Districts shall be permitted in conjunction with the following conventional zone districts: (B-2) Minor Planned Commercial; (B-3) Major Planned Commercial; (O) Office; (M-1) Light Industrial; (M-2) Heavy Industrial; and (M-3) Planned Industrial Park Manufacturing, subject to the provisions provided herein.

C. **Modification of District Regulations**

A PD-O District may be established in conjunction with the applicable zone district as outlined in subsection (B) of this section, subject to the standards and procedures set forth below:

1. Except as expressly modified by the city, by approval of a Master Development Plan, development within a PD-O District shall be governed by the regulations of the underlying zone district or districts in which the said planned development is located.

2. An approved Master Development Plan for a proposed PD-O District may provide for such exceptions from the underlying zone district regulations governing all bulk requirements; intensity requirements; other applicable zoning ordinance provisions including signage, parking, landscaping, lighting; and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed PD-O District, provided such exceptions are consistent with the standards and criteria contained in this article and have been specifically outlined in the Master Development Plan; and further provided that no modification of the zone district and/or zoning ordinance requirements or subdivision regulations may be allowed when such proposed modification would result in:

   (a) Inadequate or unsafe access to the planned development.
   (b) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity.

(c) An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development.

(d) A development that would be incompatible with the purposes of this Ordinance.

3. Modifications proposed by the Master Development Plan are limited to those areas specified by this article. Modifications shall not include those city standards and specifications pertaining to the design and construction of public improvements, or such privately maintained improvements that are required to meet public standards and specifications for construction and design.

D. **Establishment of the Planned Development Overlay Zone District**

A PD-O District may be proposed to supplement an existing underlying zone district for which a PD-O District is permitted as outlined in subsection (B) of this section; or a PD-O District may be proposed concurrently with a proposal to rezone a parcel or tract to a conventional zone district for which a PD-O District is permitted as outlined in subsection (B) of this section.

Such designations shall be illustrated on the official City of Piperton Zoning Map as the name of the underlying zone district followed by the "(PD-O)" designation (*for example* – B-3 (PD-O).

Irrespective of the application of the PD-O District as provided for above, a PD-O District may only be established through a zoning map amendment as provided for under Article 12 of this ordinance, provided, however, that an amendment to establish the PD-O District may only be initiated by an application of one or more owners or agents of property affected by the proposed amendment, and such application shall be accompanied by a Master Development Plan.

General Standards and Criteria.

The Board of Mayor and Commissioners may approve the establishment of a PD-O District upon written findings and recommendations by the Planning Commission, which shall be forwarded pursuant to the provisions contained in this section.

A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the city's current development policies and comprehensive plan.

B. An approved water supply, wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.

C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses and any part of the

proposed planned development not used for structures, parking, and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

D. Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the Master Development Plan and the amenities incorporated therein, and are not inconsistent with the public interest.

E. Property owner associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless conveyed to a public body, which agrees to maintain said.

F. The Board of Mayor and Commissioners may, as a condition of approval of the establishment of the PD-O District, and adoption of the Master Development Plan, require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

General Provisions.

The following general provisions shall apply to any PD-O District established in the city.

A. **Ownership and Division of Land**

No tract of land may be considered for the establishment of a PD-O District unless such tract is under the single ownership of a landowner. For the purpose of this ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PD-O District Application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of the PD-O District, the landowner of an adopted PD-O District may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the previously approved Master Development Plan.

B. **Professional Design**

The City of Piperton shall not consider any application to establish a PD-O District unless the accompanying Master Development Plan includes certification that the services of certified and/or licensed design professionals practicing in their particular field of expertise have been utilized for all site analysis, land planning, and civil site engineering.

C. **Residential Use**

Except for hotels and motels no buildings shall be designed, constructed, structurally altered or

used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises **Specific Design Standards and Criteria**

A. **Planning Relationships with Adjoining Development**

The design of any planned development should reflect an effort by the developer to plan land uses within the PD-O District so as to blend harmoniously with adjacent zone districts and existing land uses.

B. **Site Planning**

Site plans shall provide for efficient, convenient and harmonious grouping of uses, structures, and/or facilities, and shall reflect the applicant's efforts to work with the natural features and characteristics of the development site.

C. **Screening**

The City of Piperton may require substantial screening along the perimeter of PD-O Districts to aid in transitioning between more intensive land uses (i.e. industrial, retail), and less intensive land uses (office, residential). Such screening, if required, shall be vegetative and/or man-made (i.e. fencing, berms, etc.), and designed to protect less intensive adjacent land use from undesirable views, lighting, noise, and other adverse influences emanating from intensive land use(s) within an adjacent planned development. Screening requirements may be waived where natural terrain and/or existing vegetation provides adequate buffering protection.

D. **Landscaping**

Landscaping shall play an integral role in any planned development. Whether protecting the City of Piperton's existing natural landscape, or introducing new vegetation, each planned development proposal shall incorporate an ambitious landscape plan that seeks to enhance and expand the city's natural environment.

E. **Signs**

For the purpose of providing flexibility and incentives for coordinated, well-designed sign systems appropriate for planned developments, special provisions varying the standards of Article 8 of this ordinance may be approved by the Board of Mayor and Commissioners subject to the following provisions:

1. The planned development must be 10 (ten) acres or greater in size.

2. A Master Sign Program that includes the following information in booklet form is Submitted and approved:

a) Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
b) Proposed number and location of signs.
c) Sign illumination plans
d) Plans for landscaping or architectural features to be used in conjunction with such plans
e) Detailed description and rationale of the variations from Article 8 of this Ordinance requested.

In the absence of an approved Master Sign Program, Article 8 of this Ordinance shall regulate all signage for planned developments within a PD-O District.

F. **Accessory Off-Street Parking and Loading**

Article 10 of this Ordinance shall regulate accessory off-street parking and loading in the PD-O District.

G. **Display of Merchandise**

All business, manufacturing and process shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way provided, however, that when an automobile service station or gasoline sales are permitted within a planned development, gasoline may be sold from pumps outside of a structure.

H. **Accessibility**

The development site shall be accessible from the proposed street network in the vicinity that will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways within the site of the proposed planned development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

Procedures for PD-O District Approval

A. **Pre-Application Procedures**

Prior to filing any application for the establishment of a PD-O District, the prospective applicant shall request a pre-application conference with the Planning Commission. In preparation of the pre-application conference, the applicant shall prepare and provide a general description of the nature, location, and extent of the proposed planned development; a sketch plan illustrating proposed uses and major site improvements; and a list of professional consultants advising the applicant with respect to the proposed planned development. The purpose of the pre-application conference is to provide the applicant with the opportunity to consult early and informally with

the city prior to the submission of the formal application to the Planning Commission, and preparation of the required Master Development Plan.

B. The Formal Application

All applications for the establishment of the PD-O District shall be made in writing by the owner of the property, or the owner's duly authorized agent, upon forms provided by the City of Piperton. The application shall contain the following information:

1. A completed application form, together with all required ancillary information required for zoning amendments, as provided for under Article 12; Sub-Section 12.10.2 of this ordinance, and the payment of all applicable fees.
2. A Master Development Plan containing the following plan elements: *Existing Conditions Map; Outline Plan;* and a *Preliminary Site Plan.*
3. A Project Text describing the relationship of the proposed planned development to the current land use policies of the city, and how the proposed planned development is to be designed, arranged, and operated. Furthermore, the Project Text shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives, and the rationale governing the applicant's choices of objectives and approaches.
4. Other information as may be deemed necessary by the Planning Commission to further clarify the various elements and/or impacts of the proposed PD-O District, provided at the applicant's expense.

C. Rezoning and Master Development Plan Approval Process:

1. A Master Development Plan is considered an integral element of the zoning map amendment application to establish a PD-O District. Accordingly, any approval of a zoning map amendment to establish a PD-O District shall also extend to the Master Development Plan, along with such modifications as may be approved by the Board of Mayor and Commissioners.
2. The formal application, Master Development Plan, and all other required materials, shall be submitted to the City of Piperton at least forty-five (45) business days prior to the applicable regularly scheduled session of the Planning Commission for which the application is to be heard. In instances where it is determined that the scope and magnitude of a planned development proposal is such that forty-five business days is an insufficient time period in which to conduct a thorough review and analysis, the Planning Commission reserves the right to extend the submittal period to sixty (60) business days. The applicant shall be notified of the Planning Commission's decision to extend the submittal period at the pre-application conference.

3. Upon receiving a completed application, Master Development Plan, and an accompanying staff report, the Planning Commission shall consider the potential impacts of the proposed planned development upon:

   a) Adjacent land use.
   b) City land use plan.
   c) Transportation infrastructure.
   d) Public utility facilities.
   e) Such other matters pertaining to the public health, safety, and welfare of the city.

The Planning Commission shall then approve, approve subject to specified conditions, or deny the same, and a report of its action, together with a recommendation for final action, shall be made to the Board of Mayor and Commissioners.

4. Upon receiving the report from the Planning Commission concerning their recommendation on the application, the Board of Mayor and Commissioners shall hold a public hearing as prescribed by law. After considering the potential impacts of the proposed planned development employing the same criteria utilized by the Planning Commission, the Board shall approve, approve subject to specified conditions, or deny the same, and a report of its action shall be returned to the applicant.

5. *Reapplication and Effects of Denial:* Provisions regarding reapplication for an application that is denied, and the effects of the denial of an application shall be as provided for in Article 12 of this ordinance.

6. *Approval of the Master Development Plan and Recording of the Outline Plan:* No development or redevelopment of the property encompassed within a proposed PD-O District shall take place until a Master Development Plan and accompanying plan elements, acceptable under the requirements of this ordinance, have been reviewed and approved by the Board of Mayor and Commissioners as provided herein. Moreover, it shall be incumbent upon the applicant to present an Outline Plan, the requirements of which are defined herein, suitable for recording with the Fayette County Register's Office prior to the filing of any final plan for any phase and/or section of the planned development.

7. *Contractual Agreement*: The Master Development Plan and accompanying plan elements are intended to demonstrate to the Planning Commission and the Board of Mayor and Commissioners the character and objectives of the proposed planned development, so that the Planning Commission and ultimately the Board of Mayor and Commissioners, may evaluate the effect the proposed planned development could have on the community, and determine what provisions, if any, should be included as a part of the Master Development Plan, and be binding upon the future use and development of the subject property. The filing of a Master Development Plan and accompanying plan elements shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the Master Development Plan and accompanying plan elements are approved, development of the property and

any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved Master Development Plan and accompanying plan elements for the subject property, and any conditions attached thereto. The approved Master Development Plan and accompanying plan elements, and any conditions attached thereto shall have the full force and effect of this zoning ordinance.

8. *Period of Validity*: Approval of the establishment of the PD-O District and Master Development Plan by the Board of Mayor and Commissioners shall expire, and be of no effect within five (5) years after the date of the approval of the same by the Board, unless a final plan for either the entire planned development, or a phase of the planned development, has been submitted for approval within that time.

a) Effect of Expiration: At such time as the period of validity of a Master Development Plan lapses;

(i) The Board of Mayor and Commissioners may determine if there has been sufficient change in circumstances to warrant removal of the "PD-O" designation, as well as the accompanying conventional zone district designation, if applicable, and reversion of the zoning designation of the subject property to its prior zoning designation, or other zoning designation consistent with the city's land use plan. The procedure and notice requirements for this process shall be the same as for any rezoning, and shall be in accordance with Article 12 of this ordinance.

b) *Extension of the Period of Validity*: The Board of Mayor and Commissioners may grant extensions of the Master Development Plan approval, not exceeding six (6) months each, upon written request by the original applicant.

c) *Amendment of the Approved Master Development Plan*: An approved Master Development Plan may be amended upon application, and under the same applicable procedures as required for the original approval of the initial Master Development Plan, as required by this ordinance.

d) *Relationship Between Approval of the Master Development Plan and Subdivision Approval*: In those instances where subdivision is an integral part of the proposed planned development, approval of the Master Development Plan shall constitute the same action as approval of the preliminary plan for subdivision approval purposes. No preliminary plan as specified in the city's subdivision regulations shall be required.

D. **Final Plan Approval Process:**

1. Following the initial rezoning procedure establishing the PD-O District, and the approval of the Master Development Plan by the Board of Mayor and Commissioners, final plans for either the entire planned development, or a phase of the planned development shall be reviewed by the Planning Commission in accordance with the site plan review requirements of this ordinance, and by the subdivision regulations, as specifically modified by the Master Development Plan.

2. An application for approval of a final plan of the entire planned development if it is to be completed in one phase, or of a portion of the planned development if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting at which it is to be heard. A final plan may be filed concurrently with the Master Development Plan for a single-phase planned development. In such instance, the final plan shall substitute for the Outline Plan and Preliminary Site Plan elements of the Master Development Plan.

3. The application for final plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:

   (a) A plat suitable for recording with the Fayette County Register's Office.
   (b) Proof referred to on the final plan and satisfactory to the city attorney as to the provision and maintenance of common open space.
   (c) All certificates, seals and signatures required for the dedication of land and recordation of documents.
   (d) Site data for each area/phase including: site acreage; intensity measures – *floor area ratio, building volume ratio, impervious surface ratio, building height*; finished floor elevations; bulk regulations; parking/loading space requirements.
   (e) Location, type and sizes of landscaping.
   (f) Location and dimensions of utility and drainage easements and facilities.
   (g) All conditions of approval of the approved Master Development Plan.
   (h) A copy of the final plat using the state plane coordinate system with NAD-83 datum on disk or CD in a generally accepted format (i.e. AutoCAD release 14 or earlier) at the time the final plat is presented for recording.
   (i) The final plan shall be platted in a manner consistent with all other site plan review and land subdivision requirements of the City of Piperton Zoning Ordinance and Subdivision Regulations.

4. The Planning Commission shall review the final plan and determine whether it substantially conforms or substantially deviates from the approved Master Development Plan in accordance with the following criteria:

(a) A final plan shall be found to conform substantially to the approved Master Development Plan if it conforms to the all of the provisions of the approved Master Development Plan; however, such final plan shall also be found to conform if:

(i) It provides for less gross floor area than the approved Master Development Plan; or

(ii) it modifies the orientation or location of building pads; parking areas; roads; open space areas etc., previously illustrated on the Preliminary Site Plan, so long as the modifications do not significantly alter or adversely affect the relationship of such elements, nor compromises the intent of the approved Master Development Plan.

(b) A final plan with other minor changes from the approved Master Development Plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that an increase in the development intensity (*i.e. floor area ratio*) of any use; a decrease in open space; and/or any deviation from the conditions of the approved Master Development Plan, shall be deemed to be a substantial deviation and require such final plan to be disapproved by the Planning Commission.

5. The Planning Commission shall render its decision on the final plan based upon the above criteria. If the Planning Commission disapproves the final plan, the applicant may file a revised final development plan that substantially conforms to the approved Master Development Plan, or the applicant may file for an amendment to the approved Master Development Plan. Should the applicant fail to file a final plan that substantially conforms to the approved Master Development Plan, the Planning Commission may petition the Board of Mayor and Commissioners to repeal the establishment of the PD-O District as provided for in this article.

7. Following the Planning Commission's approval of the final plan, the City of Piperton shall cause the recording of said final plan with the Fayette County Register's Office, after the receipt of any required performance security; development fees; and, properly executed contracts in accordance with the City of Piperton's development policy and subdivision regulations.

E. **Zoning Administration – Building Permits**

The city may issue building permits for the area of the planned development covered by the approved final plan for work in conformity with the approved final plan, and with all other applicable ordinances and regulations. However, the city shall not issue an occupancy permit for any building or structure shown on the final plan of any phase of the planned development unless the open space areas and/or public facilities allocated to that phase of the planned development have been conveyed to the designated public agency or property owners association or an approved responsible party. The city shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final plan, if the completed building or structures conforms to the requirements of the approved final plan and all other applicable regulations and ordinances.

F. **Post Completion Certificate**

Upon completion of a planned development in accordance with the approved Master Development Plan, the city shall issue a certificate certifying its completion.

Specifications for the Master Development Plan

The Master Development Plan consists of three (3) plan elements: 1) *Existing Conditions Map; 2) Outline Plan;* and, *3) Preliminary Site Plan.* Taken together, these three plan elements form the basis from which the development of the planned development shall be governed. Specifications for each plan element shall be as follows:

A. **Existing Conditions Map**

1. An Existing Conditions Map shall be prepared to provide the developer and the city with a comprehensive analysis of existing conditions of the proposed development site. The following information shall be included on this map:

   (a) An aerial photograph enlarged to a scale not less than 1" = 400' with the development site boundaries clearly marked.
   (b) Topography; contours at ten-foot intervals from USGS published maps.
   (c) Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
   (d) Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, woodland, and trees with a caliper in excess of eight (8) inches.
   (e) Soil series, types, and phases.
   (f) Ridgelines and watershed boundaries shall be identified.
   (g) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as designated floodplain/floodways and wetlands.

(h) All existing man made features.
(i) All easements and other encumbrances.
(j) Total acreage of the development site.

B. Outline Plan

1. The Outline Plan is the recordable document that formally recognizes the establishment of the PD-O District and the conditions of the Master Development Plan. The Outline Plan shall contain the following information:

   (a) A plot plan drawn to a scale not less than 1 inch equals 100'.
   (b) Dimensions and bearings of the subject property's boundary, and a legal description describing same.
   (c) Specific development areas and/or phases within the subject property delineated by dashed lines that identify: *the acreage contained within the development area and/or phase, and the approved land use(s).* Development areas and/or phases shall be labeled alphabetically – *Area "A"; Area "B", etc.*
   (d) All proposed major roadways with rights-of-way and streetscape/boulevard treatment illustrated via section and plan view; rail lines; all easements (*proposed and existing*); existing public rights-of-way crossing and adjacent to the subject property.
   (e) Significant areas of public dedication and/or private common space
   (f) Any and all conditions imposed by the Planning Commission and Board of Mayor and Commissioners as part of the approval of the Master Development Plan.
   (g) All certificates, seals and signatures required for the recordation of documents.

C. Preliminary Site Plan

1. The Preliminary Site Plan provides a moderately detailed graphic illustration of how the developer proposes to develop the subject property. It shall also provide the basis from which conditions identified on the Outline Plan are developed, and serves as a guide to the Planning Commission for its review of subsequent final plans. The Preliminary Site Plan shall provide the following information:

   (a) A statement setting forth in detail either, (l) the exceptions which are required from the zoning and subdivision regulations, otherwise applicable to the property to permit the development of the proposed planned development; or, (2) the bulk regulations under which the planned development is proposed.

(b) A tabulation setting forth:

(i) Maximum total square feet of gross and net building floor area and intensity ratios (*floor area ratio; building volume ratio*) proposed for all areas/phases, by general type of use;
(ii) Impervious/pervious surface ratios;
(iii) Acres of proposed public and/or private open space;
(iv) Total parking and parking ratios by general type of use.

(c) All proposed lot lines, areas/phases, bulk standards (*i.e. yard areas*), development phasing, and incorporating appropriate site features (*i.e. floodplain/floodways, wetlands, topography, natural features to be retained*) from the Existing Conditions Map, where applicable.

(d) The location and floor area size (*see item b)* of all existing and proposed buildings, structures and other improvements, including maximum heights. Preliminary elevations and/or architectural renderings of typical structures and improvements to convey the architectural intent and theme of the proposed improvements are recommended, but not required.

(e) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses.

(f) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, (including major points of ingress and egress to the planned development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be provided at the final plan stage).

(g) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

(h) The existing and proposed utility systems including sanitary sewers, storm sewers, water lines and drainage. (Detailed drainage plans and calculations shall be provided at the final plan stage).

(i) A general landscape plan for all improved areas within the planned development, which illustrates existing natural areas to be preserved, as well as proposed new planting areas. (Detailed landscape plans with specific planting locations, plant types, and plant sizes shall be provided at the final plan stage).

(j) Sufficient information on land areas adjacent to the proposed planned development to indicate relationships between the proposed planned development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural areas.

(k) The proposed treatment of the perimeter of the planned development,

including materials and techniques used such as landscape screens, fences, berms etc.

(l) Comprehensive sign plan (if applicable).

(m) Any additional information required by the Planning Commission to further evaluate the proposed planned development.

The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (a) through (m) in order to reasonably adopt these requirements to a particular planned development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the Planning Commission prior to final plan approval.

ARTICLE 14

CONSERVERVATION DESIGN OVERLAY DISTRICT CD-O

14.1 **Purpose** – The purpose of the CD-O District is to encourage the development of residential neighborhoods that set aside substantial open space for permanent conservation and/or public dedication, thereby promoting and protecting the rural character of the City of Piperton.

14.2 **Intent** –The intent of the CD-O District is to ensure the *conservation of open land for active and/or passive recreational use,* and the *protection of unique and sensitive natural features, including scenic views;* to allow for *greater design flexibility in order to promote innovative site design that is responsive to the physical characteristics of the natural landscape;* and to offer *multiple development options for landowners in order to minimize impacts to natural resources.*

14.3 **Applicability** – The regulation of residential developments incorporating the Conservation Design concept shall be effectuated through the use of an Overlay District. An Overlay District is a zoning district that is applied only in conjunction with another zoning district. It may impose development requirements that differ from those of the underlying zone district.

The CD-O District may be established through a zoning map amendment as provided for under Article 12 of this ordinance, provided, however, that an amendment to establish the CD-O District may only be initiated by an application of one or more owners or agents of property affected by the proposed amendment, and such application shall be accompanied by a Master Development Plan and supporting materials.

Unless specifically provided otherwise in these regulations, if the requirements pertaining to, and approved as part of the establishment of the CD-O District conflict with the requirements of the underlying district or with any other provision of the City of Piperton Zoning Ordinance or Subdivision Regulations, the requirements of the CD-O District, as specifically provided for in an approved Master Development Plan, shall govern.

The CD-O District shall be permitted in conjunction with the *Rural Conservation District (RC).*

14.4 **General Requirements** – The establishment of the CD-O District, and design of all developments incorporating the conservation design concept shall be governed by the following minimum standards:

A. A tract of land proposed for developed within the CD-O District shall be held in single ownership. For the purposes of this Article, single ownership shall be construed as an individual, partnership, corporation, association or any other legally bound entity entitled to own property in the State of Tennessee. In the

event of a change in ownership between the time the application is filed and the time of the public hearing thereupon, such change shall be disclosed by affidavit no later than the time of the public hearing.

B. A Master Development Plan shall accompany any application to reclassify property to the CD-O District. The required Master Development Plan shall include, at a minimum, an Existing Resources/Site Analysis Map, and a detailed Site Development Plan, which shall be approved concurrently with the request to reclassify property to the CD-O District.

C. As evidenced by the Existing Resources/Site Analysis Map, the tract on which the conservation design option is proposed shall be suitable for supporting development in terms of environmental conditions, its size, and its configuration.

D. The proposed site design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources/Site Analysis Map. Demonstration by the applicant that these features will be protected by the proposed application shall be a prerequisite to approval of both Master Development Plan and subsequent Final Plans.

E. Proposed modifications to the standards and/or specifications of the subdivision regulations shall be warranted by superior design in furtherance of the intent of this article, but shall not, however, be inconsistent with the public interest.

F. The use of *"compatibility buffers"* shall be required, when necessary, to mitigate development impacts to adjacent property.

G. The use of certified and/or licensed design professionals for all site analysis, planning, and engineering shall be mandatory, and evidenced by certification on all plan documents submitted to the City of Piperton.

H. Notwithstanding any other provision of this Article, minimum lot areas for lots not served by a public sewer system shall be approved as safe for septic systems by the Fayette County Health Department based on soil and groundwater conditions, and additional criteria established by the City of Piperton for alternative waste disposal systems.

14.5 Conservation Design Standards -

A. The proposed development shall maintain a generally rural appearance from any existing public right-of-way.

B. Dwelling units, accessory structures, and privacy fences shall not encroach upon designated open space, nor impede views of specified view sheds. Specific building envelopes may be delineated on final plan documents to ensure compliance with this design standard.

C. Views of house lots from exterior roads and abutting properties shall be minimized through the use of changes in topography, existing vegetation, or compatibility buffers comprised of mature vegetation and/or architecturally compatible fences.

D. House lots shall generally be accessed from interior streets rather than external roads bordering the subject property.

E. House lots should directly abut or face designated open space areas

14.6 Use Regulations -

A. Permitted Uses:

1. All permitted and accessory uses within the Rural Conservation District (RC).
2. All special exceptions permitted within the Rural Conservation District (RC), provided, however, that the special exception(s) is approved as part of the Master Development Plan.

B. Prohibited Uses:

1. Any use not specifically provided for in Section 5.1.2 or Section 5.1.3 of these regulations.

14.7 Development Parameters -

A. Minimum Development Area: Ten (10) Acres

B. Maximum Development Area: No minimum

C. Dimensional Requirements:

1. Minimum Lot Area:

The minimum lot area for lots not served by a public sewer shall be approved as safe for septic systems by the Fayette County Health Department based on soil and groundwater conditions, and additional criteria established by the City of Piperton for alternative sewer system; however, and in no instance shall be less than one acre.

The minimum lot area for lots served by a public sewer system shall be 33,000 square feet.

There shall be no minimum lot area for lots within an approved Conservation Design development for which 50% open space is provided, and where such lots are served by an approved public decentralized sewer system; or for which 30% open space is provided, and where such lots are served by an approved public centralized sewer system.

2. **Minimum Lot Width at the Building Line:** As approved on the Master Development Plan. NOTE: The average depth of any lot shall not exceed four times its width.

3. **Minimum Street Frontage:** As approved on the Master Development Plan.

4. **Yard Regulations (*):**

   (a) ***Front Yard*** – No minimum from new development streets and/or common driveways, however, the Planning Commission and Board of Mayor and Commissioners reserve the right to establish a minimum building set back from existing roads and rights-of-ways based on topographical and vegetative considerations.
   (b) ***Rear Yard*** – No minimum.
   (c) ***Side Yard*** – No minimum.

   (*) *In no instance shall any principal and/or accessory structure be permitted to encroach within any proposed and/or required utility easement. All proposed dimensional requirements shall be identified and/or illustrated on the Master Development Plan.*

5. **Maximum Height Regulations:**

   As per the City of Piperton Zoning Ordinance for all applicable uses.

D. Signage Requirements:

As per the City of Piperton Zoning Ordinance for all applicable uses.

E. Open Space Requirements:

1. The minimum open space requirements for any development within the CD-O District shall be 15% [previously 25%] of the gross tract acreage for parcels without public sewer, and 25% [previously 50%] of the gross tract acreage for parcels that are served by a public sewer system, exclusive of required rights-of-way dedication along existing thoroughfares.

2. Open space is defined as any area that is not divided into building lots, streets, rights-of-way, parking, or easements established for purposes other than open space conservation. Conservancy lots encumbered with conservation easements, and Golf courses and other neighborhood and outdoor recreational uses that are designed and sited to preserve rural

appearance and enhance the neighborhood shall be classified as open space.

3. Required open space shall be permanently restricted from future subdivision and development through the use of conservation easements and/or public dedication. Under no circumstances shall any development be permitted in the required open space at any time, except as provided herein.

4. The Planning Commission and Board of Mayor and Commissioners shall evaluate the suitability of the open space proposed for conservation and/or public dedication based on the following criteria:

   (a) Primary emphasis shall be placed on open space that may be incorporated into the City of Piperton's Greenbelt and/or Park System, as delineated in the City of Piperton Master Parks and Greenbelt Plan; incorporated into required and/or desired buffer areas; or utilized for private recreational use.

   (b) Secondary emphasis will be placed on the preservation of all distinctive natural features, including *Woodlands, Farmland,* and *Natural View Sheds*, as well as *Historic, Archaeological, and Cultural Features*.

   (c) Considerable emphasis will be placed on the preservation of environmentally sensitive areas/features as determined by the required Existing Resources/Site Analysis Map. These areas/features include: *Aquatic Resource Streams/Waterways; Wetlands; Floodway/Floodplain; Slopes 20% or Greater;* and *Identifiable Groundwater Recharge Areas.* The Planning Commission and Board of Mayor and Commissioners reserve the right to limit the percentage of environmentally sensitive areas that may be credited toward the applicable open space requirement.

14.8. Open Space Ownership – The primary beneficiary and benefactor of the required open space shall be the City of Piperton. However, in appropriate circumstances the Planning Commission and Board of Mayor and Commissioners may approve the retention and/or conveyance of the required open space to the following entity(s): *Original Landowner* and/or *Developer* (may retain up to one hundred (100) percent of required open space for private use or for conservation lots); *Homeowner Association; Land Trust and/or Conservation Organization;* or *any combination of the above.* All conveyances shall be fee simple by way of a general warranty deed, and all conservation easements shall run with the land in perpetuity.

A. Original Landowner and/or Developer:

1. Up to one hundred (100) percent of the required open space may be retained for private use by the original landowner and/or developer subject to the following provisions:

   (a) Required open space retained by the original landowner and/or developer shall be described by metes and bounds, and identified and recorded on the Final Plat as "non-common" open space.

   (b) Required open space proposed as "non-common" open space shall be encumbered in perpetuity with a permanent conservation easement that is enforceable by the City of Piperton, and/or other entity approved by the City of Piperton.

   (c) Use of the designated "non-common" open space shall be limited to residential (*i.e. "conservancy lots" of at least 5 acres, with the city reserving the right to require "conservancy lots" of ten (10) acres or larger depending upon the physical characteristics of the development property*), and agricultural, provided, however, that the erection of any permanent structures (*i.e. barns, stables etc.*) must be approved by the City of Piperton as part of the Master Development Plan.

B. Homeowner Association:

1. Required open space and accessory improvements may be conveyed to a homeowner association, subject to the following provisions, and any applicable state regulations and statutes:

   (a) Required open space conveyed to a homeowner association shall be described by metes and bounds, and identified and recorded on the Final Plat as "common" open space.

   (b) The developer shall provide the City of Piperton a description of the organization of the proposed homeowner association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

   (c) Required open space conveyed to a homeowner association shall be encumbered in perpetuity with a permanent conservation easement that is enforceable by the City of Piperton, and/or other entity approved by the City of Piperton.

   (d) The proposed homeowner association shall be established by the developer, and shall be operating (*with financial subsidization by the developer, if necessary*) before the sale of any lots and/or dwelling units in the development.

(e) Membership in the homeowner association shall be automatic (*mandatory*) for all purchasers of lots and/or dwelling units therein and their successors in title.

(f) The homeowner association shall be responsible for maintenance, taxes, and insurance of common facilities.

(g) The homeowner association by-laws shall confer legal authority on the association to place lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

(h) The homeowner association by-laws shall guarantee each lot and/or dwelling unit owner unrestricted right to utilize lands and facilities owned by the association.

(i) An established homeowner association shall not be dissolved, nor shall it sell or transfer any common open space without the prior approval of the City of Piperton.

(j) The City of Piperton may require that a surety instrument be furnished by the developer for one hundred (100) percent of the estimated construction costs of all proposed private improvements approved as part of the Master Development Plan. In no event, however, shall occupancy permits for any phase of the final development plan be issued until said improvements are installed to the satisfaction of the City of Piperton.

C. Land Trusts and/or Conservation Organizations:

1. Required open space may be conveyed to a land trust and/or conservation organization, subject to the following provisions:

(a) Required open space conveyed to a land trust and/or conservation organization shall be described by metes and bounds, and identified and recorded on the Final Plat as conservation land.

(b) The selected land trust and/or conservation organization shall be acceptable to the City of Piperton, and must be a legally recognized conservation organization intended to exist indefinitely.

(c) The conveyance shall contain appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

(d) The conveyed open space shall be permanently restricted from future development through a conservation easement that is enforceable by the City of Piperton.

(e) A maintenance agreement acceptable to the City of Piperton shall be established between the developer and the land trust and/or conservation organization.

D. City of Piperton:

1. Required open space may be dedicated to the City of Piperton for conservation and/or public use subject to the following provisions:

   (a) Required open space dedicated to the City of Piperton shall be described by metes and bounds, and identified and recorded on the Final Plat as public open space.

   (b) The City of Piperton may, but shall not be obligated to, accept dedication of any portion of the required open space.

   (c) There shall be no cost of acquisition to the City of Piperton.

   (d) At the City of Piperton's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of proposed public open space areas and facilities.

14.9. Maintenance of Open Space Areas and Facilities -

A. Unless otherwise agreed to by the Board of Mayor and Commissioners, the cost and responsibility of maintaining proposed open space areas and facilities shall be borne by the original landowner and/or developer, the homeowner association, or land trust and/or conservation organization.

B. The applicant, at the time of Master Development Plan submission, shall provide a plan for maintenance of open space area and facilities in accordance with the following requirements:

1. The Plan shall define ownership;
2. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for open space areas and facilities;
3. The Plan shall provide estimates for all costs associated with the maintenance of open space areas and facilities, including insurance requirements. Such plan shall also include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
4. At the City of Piperton's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of proposed public open space areas and facilities; and
5. Any changes to the Plan for Maintenance of Open Space Area and Facilities shall be approved by the City of Piperton.

14.10 Improvements To Open Space -

A. When, in the opinion of the Planning Commission and Board of Mayor and Commissioners, improvements to proposed public and/or private open space are deemed advisable, based on the site's relationship with the City of Piperton's Master Parks and Greenbelt Plan and/or the furtherance of the public welfare, such improvements shall be made a requirement of the Master Development Plan. The eligibility of such improvements for an enhancement density bonus as provided for in Section 14.11 (C) (1) (a) shall be at the discretion of the Board of Mayor and Commissioners, which shall be guided by the recommendation of the Planning Commission.

14.11 Development Density:

A. **Developments Not Served by Public Sewer** - A baseline density of 0.5 dwelling units per acre (DUA), exclusive of required rights-of-way dedication along existing thoroughfares, is permitted with the conservation and/or public dedication of 15% [previously 25%] open space, and any specified improvements to the required open space as provided for in Section 14.10 (A). Density bonuses are available per Section 14.11 (C) that may permit an increase in development density of up to .66 DUA for developments not served by public sewer.

B. **Developments Served by Public Sewer** - A baseline density of 0.75 dwelling units per acre (DUA), exclusive of required rights-of-way dedication along existing thoroughfares, is permitted with the conservation and/or public dedication of 25% [previously 50%] open space, and any specified improvements to the required open space as provided for in Section 14.10 (A). Density bonuses are available per Section 14.11 (C) that may permit an increase in development density of up to 1 DUA for developments served by public sewer.

NOTE: *Conservancy Lots, as provided for under Section 14.8 (A) (1) (c) of this Article, shall be exempt from the above density requirements.*

C. **Incentives for Density Bonuses:**

1. The following density bonus provisions are offered as an incentive to encourage the developer to provide for enhanced amenity offerings; provide for the preservation of more than the minimum required open space; and/or provide for the preservation of off-site, environmentally sensitive areas within the City of Piperton and its reserve area. The granting of density bonuses shall be at the discretion of the Board of Mayor and Commissioners, which shall be guided by the recommendation of the Planning Commission. Moreover, no more than half of the applicable density bonus shall be granted for each density bonus provision. Finally, in no instance, shall the overall density of a proposed development exceed the applicable densities provided for in Sections 14.11 (A) and (B).

(a) Enhanced Amenities –

For every $10,000 in verifiable enhanced amenities such as public and/or private playgrounds, clubhouses, swimming pools, horse riding stables, walking trails, tennis courts, etc., an additional development lot will be approved for up to half of the applicable density bonus.

(b) Transfer of Development Rights –

For every ten (10) acres of environmentally sensitive land, the development rights of which are transferred to the City of Piperton and/or other designated entity, an additional development lot will be approved for up to half of the applicable density bonus.

(c) Preservation/Dedication of additional open space –

For each percentage point of open space exceeding the applicable open space requirement, the development density may be increased a corresponding percentage point for up to half of the applicable density bonus.

14.12 Pre-Application Procedures:

A. Pre-Application Conference

Prior to filing any formal application for the establishment of a CD-O District, the prospective applicant shall request a pre-application conference with the Planning Commission. The purpose of the pre-application conference is to introduce the applicant and his design professional(s) to the city's regulations and procedures as they pertain to the establishment of the CD-O District; to discuss the applicant's development objectives; and to schedule site inspections and formal plan submissions as described herein.

In preparation of the pre-application conference, the applicant should first familiarize himself with the contents of this article. Subsequently, the applicant should have their design professional(s) prepare an Existing Resources/Site Analysis Map of the subject property in accordance with the requirements contained in Section 14.14, and be prepared to discuss the findings of the site analysis with the Planning Commission. Finally, the applicant should be prepared to share with the Planning Commission his concept for the development of the subject property in keeping with purpose, intent, and requirements of this article.

B. Site Inspection

Following the pre-application conference, the applicant shall arrange for a site inspection of the subject property by the Planning Commission and other municipal officials and shall distribute copies of the previously prepared site analysis on-site. Applicants and their design professional(s) are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize the Planning Commissioners with the subject property's existing conditions and special features; to identify potential site design issues; and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open space and potential locations for proposed buildings and street alignments.

C. Sketch Plan Submission and Review

Following the site inspection and prior to the formal submission of the Master Development Plan, the applicant shall present a Sketch Plan to the Planning Commission. A Sketch Plan is an inexpensive drawing designed to graphically convey a conceptual layout of the open space proposed for conservation, potential development lots, and street alignments. The purpose of the submitting a sketch plan is to develop a mutual understanding on the general approach for developing the subject property in accordance with purpose, intent, and requirements of this article, and based on the findings of the previously conducted site inspection. Moreover, the Sketch Plan allows the applicant to avoid paying for expensive, detailed preliminary plans during the informal and information exchange phase of the review and approval process.

Although there are no specific requirements with regard to the graphical format the Sketch Plan must take, it shall, at a minimum, be drawn to scale and be based closely upon the information contained in the Existing Resources/Site Analysis Map. Moreover, the Planning Commission should be able to clearly discern from the Sketch Plan the following information:

1. Clearly defined subject property boundaries and total acreage;
2. The area(s) and approximate acreage of open space proposed for conservation, including proposed public parks and/or greenbelts;
3. Conceptual amenity provisions;
4. Protection of unique natural features as identified on the Existing Resources/Site Analysis Map;
5. The number and approximate size of development lots, and proposed yard areas for the development lots;
6. Proposed street alignment, conceptual cross sections, and the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;

7. Compliance with the development parameters of this article, including percentage of open space conservation; open space ownership and maintenance; and development density.

14.13. Rezoning and Master Development Plan Approval Process:

A. The Formal Application

All applications for the establishment of the CD-O District shall be made in writing by the owner of the property, or the owner's duly authorized agent, upon forms provided by the City of Piperton. The application shall contain the following information:

1. A completed application form, together with all required ancillary information required for zoning amendments, as provided for under Article 12; Sub-Section 12.10.2 of this ordinance, and the payment of all applicable fees.

2. A Master Development Plan containing the following plan elements: **Existing Resources/Site Analysis Map** and a **Site Development Plan.** (*An Existing Resources/Site Analysis Map meeting the requirements contained in section 14.14 may be submitted at the Pre-Application Conference.*)

3. A Project Text describing the relationship of the proposed conservation design development to existing conditions and inherent natural features of the subject property. Furthermore, the Project Text shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives, and the rationale governing the applicant's choices of objectives and approaches.

4. Other information as may be deemed necessary by the Planning Commission to more completely assess the proposed CD-O District, provided at the applicant's expense.

B. Rezoning and Master Development Plan Approval Process:

1. A Master Development Plan is considered an integral element of the zoning map amendment application to establish a CD-O District. Accordingly, any approval of a zoning map amendment to establish a CD-O District shall also extend to the Master Development Plan, along with such modifications as may be approved by the Board of Mayor and Commissioners.

2. The formal application, Master Development Plan, and all other required materials, shall be submitted to the City of Piperton at least forty-five (45) business days prior to the applicable regularly scheduled session of the

Planning Commission for which the application is to be heard. In instances where it is determined that the scope and magnitude of a conservation development proposal is such that forty-five business days is an insufficient time period in which to conduct a thorough review and analysis, the Planning Commission reserves the right to extend the submittal period to sixty (60) business days. The applicant shall be notified of the Planning Commission's decision to extend the submittal period at the time of the Sketch Plan submission.

The date of receipt of the formal application, together with the Master Development Plan shall be subject to review by the City of Piperton and/or its designated agent(s) to determine if all required materials and fees have been submitted by the applicant. If the application is defective or incomplete, the applicant shall be notified in writing within fifteen (15) days of the date of receipt and the application shall be null and void, and shall be deemed withdrawn by the applicant.

3. Upon receiving a completed application, Master Development Plan, and an accompanying staff report, the Planning Commission shall review the conservation development proposal on the basis of the following criteria:

(a) Conformance with the mutually agreed upon Sketch Plan, presented earlier to the Planning Commission;
(b) Compliance with the purpose, intent, and requirements of this article, including percentage of open space conservation; open space ownership and maintenance; and development density;
(c) Adequate capacity for all proposed utilities;
(d) Such other matters pertaining to the public health, safety, and welfare of the city.

The Planning Commission shall then approve, approve subject to specified conditions, or deny the same, and a report of its action, together with a recommendation for final action, shall be made to the Board of Mayor and Commissioners.

4. Upon receiving the report from the Planning Commission concerning their recommendation on the application, the Board of Mayor and Commissioners shall hold a public hearing as prescribed by law. The Board shall approve, approve subject to specified conditions, or deny the same, and a report of its action shall be returned to the applicant.

5. *Reapplication and Effects of Denial:* Provisions regarding reapplication for an application that is denied, and the effects of the denial of an application shall be as provided for in Article 12 of this ordinance.

6. *Approval of the Master Development Plan:* No development or redevelopment of the property encompassed within a proposed CD-O District shall take place until a Master Development Plan and accompanying plan elements, acceptable under the requirements of this article, have been reviewed and approved by the Planning Commission

and Board of Mayor and Commissioners as provided herein. Moreover, it shall be incumbent upon the applicant to present a Site Development Plan, the requirements of which are defined herein, and conditions of Master Development Plan approval, suitable for recording with the Fayette County Register's Office prior to the filing of any final plan for any phase and/or section of the conservation design development.

7. *Contractual Agreement*: The Master Development Plan and accompanying plan elements are intended to demonstrate to the Planning Commission and the Board of Mayor and Commissioners the character and objectives of the proposed conservation design development, so that the Planning Commission and ultimately the Board of Mayor and Commissioners, may evaluate the effect the proposed conservation design development could have on the community, and determine what provisions, if any, should be included as a part of the Master Development Plan, and be binding upon the future use and development of the subject property. The filing of a Master Development Plan and accompanying plan elements shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the Master Development Plan and accompanying plan elements are approved, development of the property and any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved Master Development Plan and accompanying plan elements for the subject property, and any conditions attached thereto. The approved Master Development Plan and accompanying plan elements, and any conditions attached thereto shall have the full force and effect of this zoning ordinance.

8. *Period of Validity*: Approval of the establishment of the CD-O District and Master Development Plan by the Board of Mayor and Commissioners shall expire, and be of no effect within one (1) year after the date of the approval of the same by the Board, unless a final plan for either the entire conservation design development, or a phase of the conservation design development, has been submitted for approval within that time.

(a) Effect of Expiration: At such time as the period of validity of a Master Development Plan lapses;

(b) The Board of Mayor and Commissioners may determine if there has been sufficient change in circumstances to warrant removal of the "CD-O" District designation, and reversion of the zoning designation of the subject property to its prior zoning designation, or other zoning designation consistent with the city's land use plan. The procedure and notice requirements for this process shall be the same as for any rezoning, and shall be in accordance with Article 12 of this ordinance.

9. *Extension of the Period of Validity*: The Board of Mayor and Commissioners may grant extensions of the Master Development Plan approval, not exceeding six (6) months each, upon written request by the original applicant.

10. *Amendment of the Approved Master Development Plan*: An approved Master Development Plan may be amended upon application, and under the same applicable procedures as required for the original approval of the initial Master Development Plan, as required by this ordinance.

11. *Relationship Between Approval of the Master Development Plan and Subdivision Approval*: approval of the Master Development Plan shall constitute the same action as approval of the preliminary plan for subdivision approval purposes. No preliminary plan as specified in the city's subdivision regulations shall be required.

C. **Final Plan Approval Process**:

1. Following the initial rezoning procedure establishing the CD-O District, and the approval of the Master Development Plan by the Board of Mayor and Commissioners, final plans for either the entire conservation design development, or a phase of the conservation design development shall be reviewed by the Planning Commission in accordance with the subdivision regulations, as specifically modified by the Master Development Plan.

2. An application for approval of a final plan of the entire conservation design development if it is to be completed in one phase, or of a portion of the conservation design development if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting at which it is to be heard. A final plan may be filed concurrently with the Master Development Plan for a single-phase conservation design development. In such instance, the final plan shall substitute for the Site Development Plan element of the Master Development Plan.

3. The application for final plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:

(a) A plat suitable for recording with the Fayette County Register's Office.
(b) Proof referred to on the final plan and satisfactory to the city attorney as to the provisions of ownership and maintenance of all required open space and ancillary improvements.
(c) All certificates, seals and signatures required for the dedication of land and recordation of documents.
(d) Tabulations of each separate use area (*residential; open space*), including land area, bulk regulations and gross density, per the approved Master Development Plan.
(e) Legal descriptions and conveyance instruments for all required open space.
(f) A copy of the recorded Covenants, Conditions, and Restrictions of any established homeowners and/or property owners association.
(g) Location and dimensions of utility and drainage easements and facilities.

(h) All conditions of approval of the approved Master Development Plan.

(i) A copy of the final plat using the state plane coordinate system with NAD-83 datum on disk or CD in a generally accepted format (*i.e. AutoCAD release 14 or earlier*) at the time the final plat is presented for recording

(j) The final plan shall be platted in a manner consistent with all other site plan review and land subdivision requirements of the City of Piperton Zoning Ordinances and Subdivision Regulations.

4. The Planning Commission shall review the final plan and determine whether it substantially conforms or substantially deviates from the approved Master Development Plan in accordance with the following criteria:

(a) A final plan shall be found to conform substantially to the approved Master Development Plan if it conforms to the all of the provisions of the approved Master Development Plan; however, such final plan shall also be found to conform if:

(i) It provides for less density than the approved Master Development Plan; or

(ii) It modifies the orientation of roads; open space and/or recreational areas etc., previously illustrated on the Site Development Plan, so long as the modifications do not significantly alter or adversely affect the relationship of such elements, nor compromises the intent of the approved Master Development Plan.

(b) A final plan with other minor changes from the approved Master Development Plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that an increase in the development intensity (*i.e. gross dwelling units per acre*); a decrease in open space; and/or any deviation from the conditions of the approved Master Development Plan, shall be deemed to be a substantial deviation and require such final plan to be disapproved by the Planning Commission.

5. The Planning Commission shall render its decision on the final plan based upon the above criteria. If the Planning Commission disapproves the final plan, the applicant may file a revised final plan that substantially conforms to the approved Master Development Plan, or the applicant may file for an amendment to the approved Master Development Plan. Should the applicant fail to file a final plan that substantially conforms to the approved Master Development Plan, the Planning Commission may petition the Board of Mayor and Commissioners to repeal the establishment of the CD-O District as provided for in this article.

6. Following the Planning Commission's approval of the final plan, the City of Piperton shall cause the recording of said final plan with the Fayette County Register's Office, after the receipt of any required performance security; development fees; and, properly executed contracts in accordance with the City of Piperton's development policy and Subdivision Regulations.

D. Zoning Administration – Building Permits

The city may issue building permits for the area of the conservation design development covered by the approved final plan for work in conformity with the approved final plan, and with all other applicable ordinances and regulations. However, the city shall not issue an occupancy permit for any building or structure on any development lot shown on the final plan of any phase of the conservation design development unless the open space areas and/or recreational amenities allocated to that phase of the conservation design development have been conveyed to the appropriate entity(s) as required by the approved Master Development Plan.

E. Post Completion Certificate

Upon completion of a conservation design development in accordance with the approved Master Development Plan, the city shall issue a certificate certifying its completion.

14.14 Specifications for the Master Development Plan:

The Master Development Plan consists of two (2) plan elements: 1) *Existing Resources/Site Analysis Map* and, *2) Site Development Plan.* Taken together, these two plan elements form the basis from which the development of the conservation design development shall be governed. Specifications for each plan element shall be as follows:

A. Existing Resources/Site Analysis Map

1. An Existing Resources/Site Analysis Map shall be prepared to provide the developer and the city with a comprehensive analysis of existing conditions of the proposed development site. The following information shall be included on this map:

   (a) An aerial photograph enlarged to a scale not less than 1" = 400' with the development site boundaries clearly marked.
   (b) Topography; contours at ten-foot intervals from USGS published maps.
   (c) Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.

(d) Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, woodland, and trees with a caliper in excess of eight (8) inches.

(e) Soil series, types, and phases.

(f) Ridgelines and watershed boundaries shall be identified.

(g) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as designated floodplain/floodways and wetlands.

(h) All other historically and/or geologically significant features associated with the subject property.

(i) A viewshed analysis showing the location and extent of views into the property from public rights-of-ways.

(j) All existing man made features.

(k) All easements and other encumbrances.

(l) Total acreage of the development site.

(m) A narrative explaining the results of the applicant's site analysis, and how the subject site's existing features influenced the Site Development Plan.

B. Site Development Plan

1. The Site Development Plan provides a moderately detailed graphic illustration of how the developer proposes to develop the subject property. It shall serve as a guide to the Planning Commission for its review of subsequent final plans. The Site Development Plan shall provide the following information:

(a) A site layout including all proposed lot lines, lot areas, building setbacks, street rights-of-way, utility easements, open space boundaries, and development phasing lines. The site layout should incorporate appropriate site features (*i.e. floodplain/floodways, wetlands, topography, natural features to be retained*) from the Existing Resources/Site Analysis Map.

(b) Typical street cross-sections for each street type, and tentative names of all proposed streets.

(c) Stormwater management plan illustrating proposed drainage courses, easements, and related infrastructure. (*May be provided on a separate sheet.*)

(d) Where sanitary sewer is available, a preliminary sanitary sewer plan illustrating proposed connections with existing facilities. (*May be provided on a separate sheet.*)

(e) Where sanitary sewer is not available, an on-site sewage treatment plan indicating the specific sewage treatment facility/type for each development lot. (*May be provided on a separate sheet.*)

(f) Preliminary water plan, including valves, plugs, fire hydrants, and

proposed connections with existing facilities. (*May be provided on a separate sheet.*)

(g) A statement as to the availability of gas and electric service.

(h) The size in acres and square feet of all areas to be conveyed, dedicated or reserved as open space, public parks, recreational areas, school sites and similar public and semi-public uses sufficient to determine compliance with the requirements of this article.

(i) Open space improvement plan, including entrance treatment, landscaping, and a list and estimated value of all amenity offerings.

(j) The proposed treatment of the perimeter of the conservation design development, including materials and techniques used such as landscaping screens, fences, berms etc., where compatibility buffers are required.

(k) Development density calculations, including applicable density bonuses.

(l) Preliminary limit-of-disturbance areas. (*May be provided on a separate sheet.*)

(m) Provisions for the ownership and maintenance of the required open space as provided for in this article.

(n) Certification of the use of the appropriate design professionals as provided for in this article.

(o) Any additional information required by the Planning Commission to further evaluate the proposed conservation design development.

The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (a) through (o) in order to reasonably adopt these requirements to a particular conservation design development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the Planning Commission prior to final plan approval.

ARTICLE 15

MUNICIPAL FLOOD PREVENTION REGULATIONS

15.1. 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 Piperton, Tennessee Mayor and Board of Commissioners does ordain as follows:

15.2 Findings of Fact

A. The Mayor and Board of Commissioners of the City of Piperton wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of section 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Chapter l (9-28-07 Edition) (44 CFR 60.3(d)) and subsequent amendments.

B. Areas of the City of Piperton 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.

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

15.3 Statement of Purpose - It is the purpose of this Article to provide regulations that promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The regulations contained in this Article are further designed to:

A. Restrict or prohibit uses which are vulnerable to water 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 floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

15.4 Objectives - The objectives of this Article are:

A. To protect human life, health 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 floodable areas;

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

G. To ensure that potential homebuyers are notified that property is in a floodable area; and

H. To establish eligibility for participation in the National Flood Insurance Program.

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

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

1. Accessory structures shall not be used for human habitation.

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

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

4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

5. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

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

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

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Article 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" means the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real

estate or improved real property, water and sanitary facilities, structures and their contents.

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior.

"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 Article.

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

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

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

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

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

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

"State Coordinating Agency" The Tennessee Department of Economic and Community Development as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

"Substantial Improvement" means any repairs, reconstruction, rehabilitation, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the

structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

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

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

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

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

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

15.6 General Provisions

A. **Application** - This Article shall apply to all areas within the incorporated area of Piperton, Tennessee.

B. **Basis for Establishing the Areas of Special Flood Hazard** - The Areas of Special Flood Hazard identified on the City of Piperton, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) – **47047CO385C; 47047CO395C;**

47047CO405C; 47047CO410C; 47047CO415C; 47047CO510C; 47047CO530C, dated **November 5, 2008**, along with all supporting technical data, are adopted by reference and declared to be a part of this Article.

C. **Requirement for Development Permit** - A development permit shall be required in conformity with this Article prior to the commencement of any development activities.

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

E. **Abrogation and Greater Restrictions** - This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. **Interpretation** - In the interpretation and application of this Article, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the City Board of Mayor and Commissioners, and;
3. deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

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

15.7 Administration

A. **Designation of Article Administrator** - The Building Official is hereby appointed as the Administrator to implement the provisions of this Article.

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

1. Application stage

   a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Article.
   b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Article.
   c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Sub-Article 15.7, Paragraph B (2).
   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

   c. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor

and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

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

C. **Duties and Responsibilities of the Administrator** - Duties of the Administrator shall include, but not be limited to:

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

2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Sub-Article 15.7, Paragraph B.

6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Sub-Article 15.7, Paragraph B.

7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Sub-Article 15.7, Paragraph B.

8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Article.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Sub-Article 15.5). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Sub-Article 15.7, Paragraph B.

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

15.8 Provisions for Flood Hazard Reduction

A. **General Standards** - In all flood prone areas the following provisions are required:

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

2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

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

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

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

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

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

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

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

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

B. **Specific Standards** - These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than eighteen (18) inches above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Sub-Article 15.8, Paragraph B.

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and

highest adjacent grade being defined in Article II of this Article). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Sub-Article 15.7, Paragraph B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than eighteen (18) inches above the level of the base flood elevation.

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to; a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Sub-Article 15.5 of this Article). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Sub-Article 15.7 Paragraph B of this Article.

   Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Sub-Article 15.7 Paragraph B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

      ii) The bottom of all openings shall be no higher than one (1) foot above the finish grade; and

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

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

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

4. Standards for Manufactured Homes and Recreational Vehicles

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

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

i) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than eighteen (18) inches above the level of the base flood elevation; or,

ii) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Sub-Article 15.8, Paragraph B of this Article.

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

e. All recreational vehicles placed on identified flood hazard sites must either:

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

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

iii) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions - Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

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

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifteen (15) lots and/or five (5) acres in area.

e. Notwithstanding any provision contained in this article to the contrary, new subdivisions (residential and non-residential), and other proposed developments (including manufactured home parks), on parcels/tracts encumbered with designated special hazard areas may not reclaim through the introduction of earthen fill material and subsequent letter of map revision (fill), more than an area equal to fifty (50) percent of the gross acreage of the entire parcel/tract proposed to be subdivided or developed.

C. **Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated** - Located within the Areas of Special Flood Hazard established in Sub-Article 15.6. Paragraph B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

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

2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article 15.8.

D. **Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated** - Located within the Areas of Special Flood Hazard established in Sub-Article 15.6. Paragraph B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

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

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Sub-Article 15.6. Paragraph B.

E. **Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)** - Located within the Areas of Special Flood Hazard established in Sub-

Article 15.6, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Sub-Article 15.8. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream along each side of the stream to the width of the stream or fifty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Sub-Article 15.8, Paragraph B, and "Elevated Buildings".

F. **Standards For Areas of Shallow Flooding (AO and AH Zones) -** Located within the Areas of Special Flood Hazard established in Sub-Article 15.6. Paragraph B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (l'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least eighteen (18) inches above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Sub-Article 15.8, Section B, and "Elevated Buildings".

2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least eighteen (18) inches above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Article and shall provide such certification to the Administrator as set forth above and as required in Sub-Article 15.7, Paragraph B.

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

4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

G. **Standards For Areas Protected by Flood Protection System (A-99 Zones) -** Located within the areas of special flood hazard established in Sub-Article 15.6. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Sub-Article 15.7 and Sub-Article 15.8, Paragraph A. shall apply.

H **Standards for Unmapped Streams -** Located within City of Piperton, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

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

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Sub-Article 15.7.

15.8 VARIANCE PROCEDURES - The provisions of this section shall apply exclusively to areas of Special Flood Hazard within The City of Piperton, Tennessee.

A.. **Board of Zoning Appeals**

1. The City of Piperton, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Article.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

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

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

4. Upon consideration of the factors listed above, and the purposes of this Article, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Article.

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

B. **Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

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

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

15.9 LEGAL STATUS PROVISIONS

A. **Conflict with Other Ordinances** - In case of conflict between this Article or any part thereof, and the whole or part of any existing or future Article and/or Ordinance of the City of Piperton, Tennessee, the most restrictive shall in all cases apply.

B. **Validity** - If any section, clause, provision, or portion of this Article 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 Article which is not of itself invalid or unconstitutional.

C. **Effective Date** - This Article shall become effective immediately after its passage, in accordance with the Charter of The City of Piperton Tennessee, and the public welfare demanding it.

ARTICLE 16

SEXUALLY ORIENTED BUSINESSES

16.1 Rationale and Findings -

16.1.1. Purpose - It is the purpose of this article to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of the city of Piperton ("City"), and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

16.1.2. Findings and Rationale - Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city of Piperton Board of Mayor and Commissioners ("Board"), and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.,* 124 S.Ct. 2219 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.,* 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie,* 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.,* 475 U.S. 41 (1986), *Young v. American Mini Theatres,* 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.,* 501 U.S. 560 (1991); *California v. LaRue,* 409 U.S. 109 (1972); and *DLS, Inc. v. City of Chattanooga,* 107 F.3d 403 (6 th Cir. 1997); *Brandywine, Inc. v. City of Richmond,* 359 F.3d 830 (6 th Cir. 2004); *Currence v. City of Cincinnati,* 2002 U.S. App. LEXIS 1258; *Broadway Books v. Roberts,* 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport,* 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols,* 137 F.3d 435 (6 th Cir. 1998); *Richland Bookmart, Inc. v. Nichols,* 278 F.3d 570 (6 th Cir. 2002); *Center for Fair Public Policy v. Maricopa County,* 336 F.3d 1153 (9 th Cir. 2003); *Deja vu v. Metro Government,* 1999 U.S. App. LEXIS 535 (6 th Cir. 1999); *Bamon Corp. v. City of Dayton,* 7923 F.2d 470 (6 th Cir. 1991); *Triplett Grille, Inc. v. City of Akron,* 40 F.3d 129 (6 th Cir. 1994); *O'Connor v. City and County of Denver,* 894 F.2d 1210 (10 th Cir. 1990); *Deja vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County,* 274 F.3d 377 (6 th Cir. 2001); *Z.J. Gifts D-*

2, L.L.C. v. City of Aurora, 136 F.3d 683 (10 th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester,* 25 F.3d 1413 (8 th Cir. 1994); *Threesome Entertainment v. Strittmather,* 4 F.Supp.2d 710 (N.D. Ohio 1998); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County,* 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County,* 209 F.Supp.2d 672 (W.D. Ky. 2002); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't,* 60 S.W.3d 572 (Ct. App. Ky. 2001); *World Wide Video of Washington, Inc. v. City of Spokane,* 368 F.3d 1186 (9 th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset,* 316 F.3d 702 (7 th Cir. 2003); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Minneapolis, Minnesota - 1980; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board finds:

(A) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.

(B) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

(C) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this article exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this article are reasonably believed to be relevant to said secondary effects.

16.2 **Definitions** - For purposes of this article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Adult arcade - means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified "anatomical areas."

Adult bookstore or adult video store - means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations, which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

A business purpose shall be a principal business purpose if any one of the following applies:

(1) A principal portion of the business's displayed merchandise consists of the foregoing enumerated items;

(2) A principal portion of the wholesale value of the business's displayed merchandise consists of the foregoing enumerated items;

(3) A principal portion of the retail value of the business's displayed merchandise consists of the foregoing enumerated items;

(4) A principal portion of the business's revenues derive from the sale or rental, for any form of consideration, of the foregoing enumerated items;

(5) A principal portion of business's interior business space is used for the display, sale, or rental or the foregoing enumerated items;

(6) The business regularly features the foregoing enumerated items, and prohibits access by minors, because of age, to the premises, and advertises itself as offering "adult" or "xxx" or "x-rated" or "erotic" or "sexual" or "pornographic" material on signage visible from a public right-of-way.

Adult cabaret - means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

Adult motel - means a motel, hotel, or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television;

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult motion picture theater - means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Board – means the Board of Mayor and Commissioners of Piperton, Tennessee

Building Official – means the Building Official of the city of Piperton, Tennessee

Characterized by - means the essential character or quality of an item. As applied in this article, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

City - means the city of Piperton, Tennessee.

Clerk - means the Certified Municipal Clerk of the city of Piperton, Tennessee

Employ, employee, and *employment* - describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Escort - means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency - means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establish or *establishment* - shall mean and include any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;
(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
(3) The addition of any sexually oriented business to any other existing sexually oriented business.

Hearing officer - shall mean an attorney, not an employee of the City, appointed by the mayor and confirmed by the Board.

Influential interest - means any of the following:

(1) The actual power to operate the sexually oriented business or control the operation, management, policies, or premises of the sexually oriented business or legal entity which operates the sexually oriented business, or
(2) Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

Licensed day-care center - means a facility licensed by the state, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Licensee - shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

Nudity or *a state of nudity* - means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully

opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or *cause to operate* - shall mean to cause to function or to put or keep in a state of doing business.

Operator - means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps the business in operation or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be an operator regardless of whether that person is an owner, part owner, or licensee of the business.

Person - shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises - means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, parking lots, and/or parking garages adjacent thereto, which are under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to section 16.4.

Principal portion - means at least 35 percent of the thing so described.

Regularly - means and refers to the consistent and repeated doing of the act so described.

Semi-nude or *state of semi-nudity* - means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-nude model studio - means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

(1) By a college, junior college, or university supported entirely or partly by taxation;
(2) By a private college or university which maintains and operates educational programs in which credited are transferable to college, junior college, or university supported entirely or partly by taxation; or
(3) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Sexual device - means any three-dimensional object primarily designed and marketed for stimulation of the male or female human genital organs or anus, and shall include three-dimensional reproductions or representations of the human genital organs or anus. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop - means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

Sexual encounter center - shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude. Sexually oriented business means an "adult arcade," "adult bookstore or adult video store," an "adult cabaret," an "adult motel," an "adult motion picture theater," a "sexual device shop," a "semi-nude model studio," or a "sexual encounter center."

Specified anatomical areas - means and includes:

(1) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity - means:

(1) Any of the following specified crimes for which less than five years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

a. Rape, aggravated rape, aggravated sexual assault, public indecency, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure;
b. Prostitution, patronizing prostitution, promoting prostitution;
c. Obscenity;
d. Dealing in controlled substances;
e. Racketeering;

(2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
(3) Any offense in another jurisdiction that, had the predicate act(s) been committed in the state, would have constituted any of the foregoing offenses.

Specified sexual activity - means any of the following:

(1) Intercourse, oral copulation, masturbation or sodomy; or
(2) Excretory functions as a part of or in connection with any of the activities described in **(1)** above.

Transfer of ownership or control - of a sexually oriented business shall mean any of the following:

(1) The sale, lease, or sublease of the business;
(2) The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room - shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

16.3 **Classification** - The classifications for sexually oriented businesses shall be as follows:

(A) Adult bookstores or adult video stores;
(B) Adult cabarets;
(C) Adult motels;
(D) Adult motion picture theaters;
(E) Escort agencies
(F) Semi-nude model studios;
(G) Sexual device shops;
(H) Sexual encounter centers.

16.4 **License required** -

(A) It shall be unlawful for any person to operate a sexually oriented business in the City without a valid sexually oriented business license.

(B) It shall be unlawful for any person to be an "employee," as defined in this chapter, of a sexually oriented business in the City without a valid sexually oriented business employee license.

(C) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the Clerk's office a completed application made on a form provided by the Clerk's office. The application shall be signed as required by subsection (e) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in subsections (1) - (7) below, accompanied by the appropriate fee identified in section 16.6:

(1) The applicant's full true name and any other names used by the applicants in the preceding five years.
(2) Current business address or another mailing address of the applicant.
(3) Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
(4) If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
(5) If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
(6) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well

as the dates of conviction and release from confinement, where applicable.

(7) A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five years, for conduct occurring when the applicant had the influential interest and had knowledge of the conduct:

a. Been declared by a court of law to be a nuisance; or

b. Been subject to a court order of closure or padlocking

c. The information provided pursuant to subsections (1) - (7) shall be supplemented in writing by certified mail, return receipt requested, to the Clerk's office within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

d. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with sections 16.13 and 16.16 shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

e. If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must be qualified under section 16.5 and each applicant shall be considered a licensee if a license is granted.

f. The information provided by an applicant in connection with an application for a license under this article shall be maintained by the Clerk's office on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by court order.

16.5 Issuance of License -

(A) Upon the filing of a completed application under subsection 16.3(c) for a sexually oriented business license, the Clerk shall, if the application on its face meets the requirements of this section, issue a temporary license to

the applicant within 24 hours of the receipt of the application. The temporary license shall expire upon the final decision of the City to deny or grant an annual license. Within 20 days of the filing date of a completed sexually oriented business license application, the Clerk shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Clerk shall issue a license unless:

(1) An applicant is less than 18 years of age.

(2) An applicant has failed to provide information as required by section 16.3 for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee required by this chapter has not been paid.

(4) The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this chapter or is not in compliance with locational requirements of this article or the locational and zoning requirements of any other part of this Zoning Ordinance.

(5) Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five years, for conduct occurring when the applicant had the influential interest and had knowledge of the conduct:

a. Been declared by a court of law to be a nuisance; or

b. Been subject to an order of closure or padlocking.

(6) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this article.

(B) Upon the filing of a completed application under subsection 16.3(c) for a sexually oriented business employee license, the Clerk shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the City to deny or grant an annual license. Within 20 days of the filing date of a completed sexually oriented business employee license application, the Clerk shall either issue a license or issue a written notice of intent to deny a license to the applicant. The Clerk shall approve the issuance of a license unless:

(1) The applicant is less than 18 years of age.

(2) The applicant has failed to provide information as required by section 16.3 for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee required by this chapter has not been paid.

(4) Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five years, for conduct occurring when the applicant had the influential interest and had knowledge of the conduct:

a. Been declared by a court of law to be a nuisance; or
b. Been subject to an order of closure or padlocking.

(5) The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this article.

(C) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

16.6 Inspection -

(A) Sexually oriented businesses and sexually oriented business employees shall permit the Building Official to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the department to authorize reasonable inspections of the licensed premises pursuant to this article, but not to authorize an unreasonable or excessive pattern of inspections.

(B) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

16.7 Expiration of License -

(A) Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in section 16.4 and section 16.6.

(B) Application for renewal should be made pursuant to the procedures set forth in section 16.3 at least 90 days before the expiration date, and when made less than 90 days before the expiration date, the expiration of the license will not be affected.

16.8 Suspension -

(A) The City shall issue a letter of intent to suspend a sexually oriented business license for a period not to exceed 30 days if the sexually oriented business licensee has knowingly violated this article or has knowingly allowed an employee to violate this article.

(B) The City shall issue a letter of intent to suspend a sexually oriented business employee license if the employee has knowingly violated this article.

16.9 Revocation -

(A) The City shall issue a letter of intent to revoke a sexually oriented business license if the licensee knowingly violates this article or knowingly allows an employee to violate this article and the licensee's license has been suspended within the previous 12-month period. The City shall issue a letter of intent to revoke a sexually oriented business employee license if the employee knowingly violates this article and the employee's license has been suspended within the previous 12-month period.

(B) The City shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:

(1) The licensee has knowingly given false information in the application for the sexually oriented business license.
(2) The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises;
(3) The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises;
(4) The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked; or
(5) The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.

(C) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.

(D) When, after the notice and hearing procedure described in section 16.11, the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one year from the date the revocation becomes effective.

16.10 Hearing, Denial, Revocation, and Suspension; Appeal -

(A) When the Clerk issues a written notice of intent to deny, suspend, or revoke a license, the Clerk shall immediately send such notice, which shall include the specific grounds under this article for such action, to the applicant or license (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Clerk for the respondent. The notice shall specify a date, not less than ten days nor more than 20 days after the date the notice is issued, on which the hearing officer shall conduct a hearing on the Clerk's intent to deny, suspend, or revoke the license. At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Clerk's witnesses. The Clerk shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a written decision, including specific reasons for the decision pursuant to this article, to the respondent within five days after the hearing. If the decision is to deny, suspend, or revoke the license, the decision shall not become effective until the 30th day after it is rendered, and the decision shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction. If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the Clerk to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the Clerk shall contemporaneously therewith issue the license to the applicant.

(B) If any court action challenging the hearing officer's decision is initiated, the City shall prepare and transmit to the court a transcript of the hearing within ten days after receiving written notice of the filing of the court action. The City shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and

shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is in operation as of the effective date of this article: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin a license denial, suspension, or revocation, the Clerk shall immediately issue the respondent a provisional license. The provisional license shall allow the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the license denial, suspension, or revocation.

16.11 Transfer of License - A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

16.12 Hours of Operation - No sexually oriented business shall open to do business before 8:00 a.m., Monday through Saturday; and no such establishment shall remain open after 12:00 midnight, Monday through Saturday. No sexually oriented business shall be open for business on any Sunday or a legal holiday as designated in T.C.A. § 15-1-101.

16.13 Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos -

(A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises, in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall be designated on the diagram, but shall not contain video reproduction equipment. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram

that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) above.

(3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

(4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.

(5) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

a. That the occupancy of viewing rooms is limited to one person.
b. That sexual activity on the premises is prohibited.
c. That the making of openings between viewing rooms is prohibited.
d. That violators will be required to leave the premises.
e. That violations of subparagraphs b., c. and d. of this paragraph are unlawful.

(6) It shall be the duty of the operator to enforce the regulations articulated in subsections (5) a. though d.

(7) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is in an area monitored by direct line of sight from that operator's station.

It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(B) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

16.14 Loitering, Exterior Lighting, Visibility, and Monitoring Requirements -

(A) It shall be the duty of the operator of a sexually oriented business to:

(1) Post conspicuous signs stating that no loitering is permitted on such property;

(2) Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every 90 minutes or inspecting such property by use of video cameras and monitors; and

(3) Provide lighting of the exterior premises facilitate for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

(B) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(C) No sexually oriented business shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right-of-way.

16.15 Location of Sexually Oriented Businesses –

(A) A person commits a violation of this chapter and any other applicable laws of the state of Tennessee if that person operates or causes to be operated a sexually oriented business in any zoning district other than the M-3, Planned Industrial District (M-3), as defined and described in this Zoning Ordinance.

(B) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if the person operates or causes to be operated a sexually oriented business within 1,000 feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) A boundary of any residential zone district as defined in the residential zoning classifications in Articles 5, 14, and 15 of this Zoning Ordinance;

(4) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the city which is under the control, operation or management of the city park and recreation authorities;

(5) An entertainment business which is oriented primarily towards children or family entertainment.

(C) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(D) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(E) For the purposes of subsection (b) of this subsection, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (b). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(F) For purposes of subsection (c) of this subsection, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political

boundaries, from the closest exterior wall of the structure in which each business is located.

16.16 Additional Regulations for Escort Agencies

(A) An escort agency shall not employ any person under the age of 18 years.

(B) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

16.17 Penalties and Enforcement -

(A) A person who knowingly disobeys, omits, neglects, or fails to comply with or resists the enforcement of any of the provisions of this article shall be guilty of a violation and, upon conviction, shall be punishable by a fine not to exceed $50.00. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

(B) The City's legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this article to prosecute, restrain, or correct violations hereof. Such proceedings, including suits for injunction, shall be brought in the name of the City, provided, however, that nothing in this section and no action taken hereunder shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this article or any of the laws or ordinances in force in the City or to exempt anyone violating this article or any part of said laws or ordinances from any penalty which may be incurred.

16.18 Prohibited Activities - It is unlawful for a sexually oriented business licensee to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations:

(A) It shall be a violation of this article for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

(B) It shall be a violation of this article for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six feet from any patron or customer and on a stage at least 18 inches from the floor in a room of at least 1,000 square feet.

(C) It shall be a violation of this article for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally, in a sexually oriented business, touch a customer or the clothing worn by a customer.

(D) It shall be a violation of this article for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

(E) It shall be a violation of this article for any sexually oriented business licensee or employee to permit any person under the age of 18 years on the premises of a sexually oriented business.

(F) A sign in a form to be prescribed by the Clerk's office and summarizing the provisions of subsections (a), (b), (c), (d), and (e), shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry.

16.19 Scienter Required to Prove Violation or Business Licensee Liability - This article does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this article. Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

16.20 Failure of City to Meet Deadline not to Risk Applicant/Licensee Rights - In the event that a City Official is required to take an act or do a thing pursuant to this article within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the City Official under this article, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the City of an applicant or licensee's application for sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the City's action has passed.

ARTICLE 17

MIXED USE PLANNED DEVELOPMENT (MUPD) DISTRICT

17.1 **Purpose** – The purpose of the Mixed-Use Planned Development (MUPD) District is to provide a mechanism to permit the implementation of the recommendations of the City of Piperton, Tennessee Land Use Plan (2006) as they pertain to the Land Use Plan's ***Mixed Use*** designation. Specifically, the MUPD District applies to mixed-use or unique single-use (*residential*) projects where land use and design flexibility is desired, but not generally available through application of the standards of any of the City's existing conventional or overlay zone district.

Establishment of the MUPD District should only be permitted by the City where it can be determined that long-term community benefits, which may be achieved through high quality planned development, will be derived. Accordingly, the City's Planning Commission and Board of Mayor and Commissioners shall determine whether substantial community benefits will be derived. Specific benefits that the City may find that would support the establishment of the MUPD District include, but are not limited to:

- Improvements/additions to the City's infrastructure;
- Protection and/or preservation of natural resources, habitat areas and natural areas;
- A greater quality and quantity of public and/or private open space, equitably distributed;
- Appropriate and adequate compatibility buffers from adjacent development;
- Quality amenity offerings;
- Demonstrated need for housing types and/or varied product mix; and
- Innovative and creative development design.

It should be noted, however, that zoning and development approval under this Article is discretionary, and not a right that can be claimed. Exceptions to the normal regulations are not granted automatically, but only upon finding that they will result in a superior development that promotes the public interests.

17.2 **Applicability** – The MUPD District may be established through a zoning map amendment as provided for under Article 12 of this Ordinance, provided, however, that an amendment to establish the MUPD District may only be initiated by an application of one or more owners or agents of property affected by the proposed amendment, and such application shall be accompanied by a Master Development Plan and supporting materials.

The MUPD District may only be established within areas designated on the City's Land Use Plan (2006, and subsequent updates) as ***Mixed Use,*** and reasonable extensions thereof, as recommended by the Planning Commission and approved by the Board of Mayor and Commissioners.

Unless specifically provided otherwise in these regulations, if the requirements pertaining to, and approved as part of the establishment of the MUPD District conflict with the requirements of any applicable provision of the City of Piperton Zoning Ordinance or Subdivision Regulations, the requirements of the MUPD District, as specifically provided for in an approved Master Development Plan, shall govern.

17.3 **General Requirements** – The establishment of the MUPD District, and design of all accompanying development proposals shall be governed by the following minimum standards:

A. A tract of land proposed for development within the MUPD District shall be held in single ownership. For the purposes of this Article, single ownership shall be construed as an individual, partnership, corporation, association or any other legally bound entity entitled to own property in the State of Tennessee. In the event of a change in ownership between the time the application is filed and the time of the public hearing thereupon, such change shall be disclosed by affidavit no later than the time of the public hearing.

B. A Master Development Plan shall accompany any application to reclassify property to the MUPD District. The required Master Development Plan shall include, at a minimum, an *Existing Conditions Map (*i.e. Existing Resources/Site and Soils Analysis), a detailed *Site Development Plan*, and an *Outline Plan* (i.e. development standards in text form), which shall be approved concurrently with the request to reclassify property to the MUPD District.

C. As evidenced by the Existing Conditions Map and/or any other site data deemed necessary by the City's Development Staff, the tract on which development is proposed shall be suitable for supporting development in terms of environmental conditions, its size, its configuration, utility availability and other physical characteristics (i.e. soil suitability for sub-surface effluent disposal).

D. The proposed site design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Conditions Map. Demonstration by the applicant that these features will be protected by the proposed application shall be a prerequisite to approval of both the Master Development Plan and subsequent Final Plans.

E. Proposed modifications to the standards and/or specifications of the Subdivision Regulations shall be warranted by superior design in furtherance of the intent of this Article, but shall not, however, be inconsistent with the public interest.

F. The use of *"compatibility buffers"* shall be required, when necessary, to mitigate development impacts to adjacent property.

G. The use of certified and/or licensed design professionals for all site analysis, land planning, site civil engineering, architectural shall be mandatory, and evidenced by certification on all plan documents submitted to the City of Piperton.

H. All development proposals shall promote the concepts of sustainable development, smart growth, and concurrency, with regard to the planned development's relation to existing and/or proposed public infrastructure.

I. Notwithstanding any other provision of this Article, minimum lot areas for lots not served by a public sewer system shall be approved as safe for septic systems by the Fayette County Health Department based on soil and groundwater conditions, and additional criteria established by the City of Piperton for alternative waste disposal systems.

17.4 Development Standards -

A. Permitted Uses:

1. At the time of reclassifying a parcel to the MUPD District, the Board of Mayor of Commissioners, upon recommendation from the Planning Commission, shall determine the permitted and accessory uses. Uses that may be permitted within a MUPD District include residential, commercial, and office, or combination thereof, as identified in Table 4 (*Permitted Uses and Special Exceptions*) of the City of Piperton Zoning Ordinance.
2. Approved uses shall be subject to all applicable permit and approval processes (i.e. site plan approval, etc.) established in the City of Piperton Zoning Ordinance.
3. The zoning map amendment process as provided for under Article 12 of this Ordinance shall be used to modify the authorized use list for any established MUPD District.
4. Single-use non-residential development proposals within areas designated as *Mixed-Use* on the City's Land Use Plan shall be reviewed under the City's Planned Development Overlay (PD-O) regulations (*Article 13*).

B. Prohibited Uses:

1. Industrial uses, as identified and listed in Table 4 (*Permitted Uses and Special Exceptions*) of the City of Piperton Zoning Ordinance, shall not be permitted within any MUPD District.

C. Minimum Development Area:

1. A minimum of sixty (60) acres shall be required for a MUPD District unless the Planning Commission recommends, and the Board of Mayor and Commissioners finds that a smaller site is appropriate for the development or redevelopment as a MUPD. In approving a MUPD District containing less than sixty (60) acres, the Planning Commission and the Board of Mayor and Commissioners shall find that the proposed development:

   (a) Is adequately buffered from adjacent residential property;
   (b) Is consistent with the goals and policies of the Land Use Plan;
   (c) Is able to utilize available capacity in an existing public sewer facility that is readily accessible.

D. Residential Density:

1. The maximum permitted residential density within a MUPD shall be three (3) units per acre regardless if developed solely as residential or as part of a mixed-use development. Residential development density shall be calculated on the gross acreage of the development site dedicated to residential use, exclusive of required rights-of-way dedication along existing thoroughfares. Residential development density calculations shall not have the affect of being reduced within a mixed-use development proposal by including in such calculation acreage dedicated to non-residential use, unless approved by the Board of Mayor and Commissioners. In any event, the maximum permitted residential density shall be three (3) units per acre.

E. Non-Residential Intensity:

1. Commercial/Retail -

   (a) Landscape Surface Ratio (LSR) – 0.25 (%)
   (b) Floor Area Ratio (FAR) – 0.19 (%)
   (c) Mixed Use Buildings FAR – 0.50 (%)**2. Office -**

   (a) Landscape Surface Ratio (LSR) – 0.35 (%)

(b) Floor Area Ratio (FAR) – 0.30 (%)
(c) Mixed Use Buildings FAR – 0.50 (%)

F. Dimensional Requirements:

1. Minimum Lot Area ([1]) -

(a) No minimum (*except that minimum lot areas for lots not served by a public sewer system shall be approved as safe for septic systems by the Fayette County Health Department based on soil and groundwater conditions, and additional criteria established by the City of Piperton for public decentralized sewer systems).*

2. Minimum Lot Width at the Building Line ([1]) -

(a) No minimum

3. Minimum Street Frontage ([1]) –

(a) No minimum

4. Yard Regulations ([1]) ([2]) ([3]) -

(a) ***Front Yard*** – No minimum
(b) ***Rear Yard*** – No minimum.
(c) ***Side Yard*** – No minimum.

([1]) *Within developments utilizing public decentralized sewer systems, system installation and operation criteria shall form the basis of establishing minimum bulk standards as determined by the City's Development Staff.*

([2]) *In no instance shall any principal and/or accessory structure be permitted to encroach within any proposed and/or required utility easement. All proposed dimensional requirements shall be identified and/or illustrated on the Master Development Plan.*

([3]) *Reduced building setbacks shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes, and approved by the Fire Department.*

5. Maximum Height Regulations -

As per the City of Piperton Zoning Ordinance for all applicable uses.

G. Signage Requirements:

As per the City of Piperton Zoning Ordinance for all applicable uses.

H. Open Space Requirements:

1. Open space is defined as any area that is not divided into building lots, streets, rights-of-way, parking, or easements established for purposes other than open space.
2. Designated open space areas shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the required open space at any time, except as provided herein.
3. Every attempt shall be made to distribute planned open space areas as equitably as possible through out the planned development.

17.5 <u>Procedures for MUPD District Approval</u> -

A. Pre-Application Procedures:

1. Prior to filing any application for the establishment of a MUPD District, the prospective applicant shall request a pre-application conference with the Planning Commission. In preparation of the pre-application conference, the applicant shall prepare and provide a general description of the nature, location, and extent of the proposed planned development; a sketch plan illustrating proposed uses and major site improvements; and a list of professional consultants advising the applicant with respect to the proposed planned development. The purpose of the pre-application conference is to provide the applicant with the opportunity to consult early and informally with the City prior to the submission of the formal application to the Planning Commission, and preparation of the required Master Development Plan. The pre-application conference shall be scheduled at least thirty (30) days prior to filling a formal application.

B. The Formal Application:

1. All applications for the establishment of the MUPD District shall be made in writing by the owner of the property, or the owner's duly authorized agent, upon forms provided by the City of Piperton. The application shall contain the following information:

(a) A completed application form, together with all required ancillary information required for zoning amendments, as provided for under Article 12; Sub-Section 12.10.2 of this Ordinance, and the payment of all applicable fees.

(b) A Master Development Plan containing the following plan elements: *Existing Conditions Map; Outline Plan;* and a *Preliminary Site Plan.*

(c) A Project Text describing the relationship of the proposed planned development to the current land use policies of the City, and how the proposed planned development is to be designed, arranged, and operated. Furthermore, the Project Text shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives, and the rationale governing the applicant's choices of objectives and approaches.

(d) Other information as may be deemed necessary by the Planning Commission to further clarify the various elements and/or impacts of the proposed MUPD District, provided at the applicant's expense.

17.6 Rezoning and Master Development Plan Approval Process:

A. A Master Development Plan is considered an integral element of the zoning map amendment application to establish a MUPD District. Accordingly, any approval of a zoning map amendment to establish a MUPD District shall also extend to the Master Development Plan, along with such modifications as may be approved by the Board of Mayor and Commissioners.

B. The formal application, Master Development Plan, and all other required materials, shall be submitted to the City of Piperton at least forty-five (45) business days prior to the applicable regularly scheduled session of the Planning Commission for which the application is to be heard. In instances where it is determined that the scope and magnitude of a planned development proposal is such that forty-five business days is an insufficient time period in which to conduct a thorough review and analysis, the Planning Commission reserves the right to extend the submittal period to sixty (60) business days. The applicant shall be notified of the Planning Commission's decision to extend the submittal period at the pre-application conference.

C. Upon receiving a completed application, Master Development Plan, and an accompanying staff report, the Planning Commission shall consider the potential impacts of the proposed planned development upon:

1. Adjacent land use.
2. City Land Use Plan.
3. Transportation infrastructure.

4. Public utility facilities.
5. Such other matters pertaining to the public health, safety, and welfare of the City.

D. The Planning Commission shall then approve, approve subject to specified conditions, or deny the same, and a report of its action, together with a recommendation for final action, shall be made to the Board of Mayor and Commissioners.

E. Upon receiving the report from the Planning Commission concerning their recommendation on the application, the Board of Mayor and Commissioners shall hold a public hearing as prescribed by law. After considering the potential impacts of the proposed planned development employing the same criteria utilized by the Planning Commission, the Board shall approve, approve subject to specified conditions, or deny the same, and a report of its action shall be returned to the applicant.

F. *Reapplication and Effects of Denial:* Provisions regarding reapplication for an application that is denied, and the effects of the denial of an application shall be as provided for in Article 12 of this Ordinance.

G. *Approval of the Master Development Plan and Recording of the Outline Plan:* No development or redevelopment of the property encompassed within a proposed MUPD District shall take place until a Master Development Plan and accompanying plan elements, acceptable under the requirements of this Ordinance, have been reviewed and approved by the Board of Mayor and Commissioners as provided herein. Moreover, it shall be incumbent upon the applicant to present an Outline Plan, the requirements of which are defined herein, suitable for recording with the Fayette County Register's Office prior to the filing of any final plan for any phase and/or section of the planned development.

H. *Contractual Agreement*: The Master Development Plan and accompanying plan elements are intended to demonstrate to the Planning Commission and the Board of Mayor and Commissioners the character and objectives of the proposed planned development, so that the Planning Commission and ultimately the Board of Mayor and Commissioners, may evaluate the effect the proposed planned development could have on the community, and determine what provisions, if any, should be included as a part of the Master Development Plan, and be binding upon the future use and development of the subject property. The filing of a Master Development Plan and accompanying plan elements shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the Master Development Plan and accompanying plan elements are approved, development of the property and any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved Master Development Plan and accompanying plan elements for the subject property, and any conditions attached thereto. The approved Master Development Plan and

accompanying plan elements, and any conditions attached thereto shall have the full force and effect of this Ordinance.

I. *Period of Validity*: Approval of the establishment of the MUPD District and Master Development Plan by the Board of Mayor and Commissioners shall expire, and be of no effect within five (5) years after the date of the approval of the same by the Board, unless a final plan for either the entire planned development, or a phase of the planned development, has been submitted for approval within that time.

1. Effect of Expiration: At such time as the period of validity of a Master Development Plan lapses;

(a) The Board of Mayor and Commissioners may determine if there has been sufficient change in circumstances to warrant rescission of the previously approved MUPD District and reversion of the zoning designation of the subject property to its prior zoning designation, or other zoning designation consistent with the City's Land Use Plan. The procedure and notice requirements for this process shall be the same as for any rezoning, and shall be in accordance with Article 12 of this Ordinance.

(b) *Extension of the Period of Validity*: The Board of Mayor and Commissioners may grant extensions of the Master Development Plan approval, not exceeding six (6) months each, upon written request by the authorized applicant of record.

(c) *Amendment of the Approved Master Development Plan*: An approved Master Development Plan may be amended upon application, and under the same applicable procedures as required for the original approval of the initial Master Development Plan, as required by this Ordinance.

(d) *Relationship Between Approval of the Master Development Plan and Subdivision Approval*: In those instances where subdivision is an integral part of the proposed planned development, approval of the Master Development Plan shall constitute the same action as approval of the preliminary plan for subdivision approval purposes. No preliminary plan as specified in the City's Subdivision Regulations shall be required.

17.7 Final Plan Approval Process:

A. Following the initial rezoning procedure establishing the MUPD District, and the approval of the Master Development Plan by the Board of Mayor and Commissioners, and, where public decentralized sewer is proposed, approval of the sewer system by the Tennessee Department of Environment and Conservation, the final plans for either the entire planned development, or a phase of the planned development shall be reviewed by

the Planning Commission in accordance with the site plan review requirements of this Ordinance, and by the Subdivision Regulations, as specifically modified by the Master Development Plan.

B. An application for approval of a final plan of the entire planned development if it is to be completed in one phase, or of a portion of the planned development if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting at which it is to be heard. A final plan may be filed concurrently with the Master Development Plan for a single-phase planned development. In such instance, the final plan shall substitute for the Outline Plan and Preliminary Site Plan elements of the Master Development Plan.

C The application for final plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:

1. A plat suitable for recording with the Fayette County Register's Office.

2. Proof referred to on the final plan and satisfactory to the City Attorney as to the provision and maintenance of common open space.

3. All certificates, seals and signatures required for the dedication of land and recordation of documents.

4. Site data for each area/phase including: site acreage; intensity measures – *floor area ratio, building volume ratio, landscaping surface ratio, building height*; finished floor elevations; bulk regulations; parking/loading space requirements.

5. Location, type and sizes of landscaping.

6. Location and dimensions of utility and drainage easements and facilities.

7. All conditions of approval of the approved Master Development Plan.

8. A copy of the final plat using the state plane coordinate system with NAD-83 datum on disk or CD in a generally accepted format (*i.e. AutoCAD release 14 or earlier*) at the time the final plat is presented for recording.

9. The final plan shall be platted in a manner consistent with all other site plan review and land subdivision requirements of the City of Piperton Zoning Ordinance and Subdivision Regulations.

D. The Planning Commission shall review the final plan and determine whether it substantially conforms or substantially deviates from the approved Master Development Plan in accordance with the following criteria:

1. A final plan shall be found to conform substantially to the approved Master Development Plan if it conforms to the all of the provisions of the approved Master Development Plan; however, such final plan shall also be found to conform if:

(a) It provides for less gross floor area than the approved Master Development Plan; or

(b) It modifies the orientation or location of building pads; parking areas; roads; open space areas etc., previously illustrated on the Preliminary Site Plan, so long as the modifications do not significantly alter or adversely affect the relationship of such elements, nor compromises the intent of the approved Master Development Plan.

2. A final plan with other minor changes from the approved Master Development Plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that an increase in the development intensity (*i.e. floor area ratio*) of any use; a decrease in open space; and/or any deviation from the conditions of the approved Master Development Plan, shall be deemed to be a substantial deviation and require such final plan to be disapproved by the Planning Commission.

3. The Planning Commission shall render its decision on the final plan based upon the above criteria. If the Planning Commission disapproves the final plan, the applicant may file a revised final development plan that substantially conforms to the approved Master Development Plan, or the applicant may file for an amendment to the approved Master Development Plan. Should the applicant fail to file a final plan that substantially conforms to the approved Master Development Plan, the Planning Commission may petition the Board of Mayor and Commissioners to repeal the establishment of the MUPD District as provided for in this Article.

4. Following the Planning Commission's approval of the final plan, the City of Piperton shall cause the recording of said final plan with the Fayette County Register's Office, after the receipt of any required performance security; development fees; and, properly executed contracts in accordance with the City of Piperton's development policy and Subdivision Regulations.

17.8 Zoning Administration – Building Permits:

A. The City may issue building permits for the area of the planned development covered by the approved final plan for work in conformity with the approved final plan, and with all other applicable ordinances and regulations. However, the City shall not issue an occupancy permit for any building or structure shown on the

final plan of any phase of the planned development unless the open space areas and/or public facilities allocated to that phase of the planned development have been conveyed to the designated public agency or property owners association or an approved responsible party. The City shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final plan, if the completed building or structures conforms to the requirements of the approved final plan and all other applicable regulations and ordinances.

B. Post Completion Certificate -

1. Upon completion of a planned development in accordance with the approved Master Development Plan, the City shall issue a certificate certifying its completion.

17.9 Specifications for the Master Development Plan:

A. The Master Development Plan consists of three (3) plan elements: 1) *Existing Conditions Map; 2) Outline Plan;* and, *3) Preliminary Site Plan.* Taken together, these three plan elements form the basis from which the development of the planned development shall be governed. Specifications for each plan element shall be as follows:

B. Existing Conditions Map -

1. An Existing Conditions Map shall be prepared to provide the developer and the City with a comprehensive analysis of existing conditions of the proposed development site. The following information shall be included on this map:

(a) An aerial photograph enlarged to a scale not less than 1" = 400' with the development site boundaries clearly marked.
(b) Topography; contours at ten-foot intervals from USGS published maps.
(c) Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
(d) Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, woodland, and trees with a caliper in excess of eight (8) inches.
(e) Soil series, types, and phases.
(f) Proposed area(s) fore decentralized sewer drain fields.
(g) Ridgelines and watershed boundaries shall be identified.
(h) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as designated floodplain/floodways and wetlands.
(i) All existing man made features.

(j) All easements and other encumbrances.

(k) Total acreage of the development site.

C. Outline Plan -

1. The Outline Plan is the recordable document that formally recognizes the establishment of the MUPD District and the conditions of the Master Development Plan. The Outline Plan shall contain the following information:

(a) A plot plan drawn to a scale not less than 1 inch equals 100'.

(b) Dimensions and bearings of the subject property's boundary, and a legal description describing same.

(c) Specific development areas and/or phases within the subject property delineated by dashed lines that identify: *the acreage contained within the development area and/or phase, and the approved land use(s).* Development areas and/or phases shall be labeled alphabetically – *Area "A"; Area "B", etc.*

(d) All proposed major roadways with rights-of-way and streetscape/boulevard treatment illustrated via section and plan view; rail lines; all easements (*proposed and existing*); existing public rights-of-way crossing and adjacent to the subject property.

(e) Significant areas of public dedication and/or private common space

(f) Any and all conditions imposed by the Planning Commission and Board of Mayor and Commissioners as part of the approval of the Master Development Plan.

(g) All certificates, seals and signatures required for the recordation of documents.

D. Preliminary Site Plan -

1. The Preliminary Site Plan provides a moderately detailed graphic illustration of how the developer proposes to develop the subject property. It shall also provide the basis from which conditions identified on the Outline Plan are developed, and serves as a guide to the Planning Commission for its review of subsequent final plans. The Preliminary Site Plan shall provide the following information:

(a) A statement setting forth in detail either, (l) the exceptions which are required from the Zoning Ordinance and Subdivision Regulations, otherwise applicable to the property to permit the development of the proposed planned development; or, (2) the bulk regulations under which the planned development is proposed.

(b) A tabulation setting forth:

(i) Maximum total square feet of gross and net building floor

area and intensity ratios (*floor area ratio; building volume ratio*) proposed for all areas/phases, by general type of use;

(ii) Impervious/pervious surface ratios;

(iii) Acres of proposed public and/or private open space;

(iv) Total parking and parking ratios by general type of use.

(c) All proposed lot lines, areas/phases, bulk standards (*i.e. yard areas*), development phasing, and incorporating appropriate site features (*i.e. floodplain/floodways, wetlands, topography, natural features to be retained*) from the Existing Conditions Map, where applicable.

(d) The location and floor area size (*see item b)* of all existing and proposed buildings, structures and other improvements, including maximum heights. Preliminary elevations and/or architectural renderings of typical structures and improvements to convey the architectural intent and theme of the proposed improvements are recommended, but not required.

(e) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses.

(f) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, (including major points of ingress and egress to the planned development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be provided at the final plan stage).

(g) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

(h) The existing and proposed utility systems including sanitary sewers, storm sewers, water lines and drainage. (Detailed drainage plans and calculations shall be provided at the final plan stage).

(i) A general landscape plan for all improved areas within the planned development, which illustrates existing natural areas to be preserved, as well as proposed new planting areas. (Detailed landscape plans with specific planting locations, plant types, and plant sizes shall be provided at the final plan stage).

(j) Sufficient information on land areas adjacent to the proposed planned development to indicate relationships between the proposed planned development and existing and proposed adjacent areas, including land uses, zoning classifications, densities,

circulation systems, public facilities and unique natural areas.

(k) The proposed treatment of the perimeter of the planned development, including materials and techniques used such as landscape screens, fences, berms etc.

(l) Comprehensive sign plan (if applicable).

(m) Any additional information required by the Planning Commission to further evaluate the proposed planned development.

2. The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (a) through (m) in order to reasonably adopt these requirements to a particular planned development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the Planning Commission prior to final plan approval.

ARTICLE 18

(RESERVED)

ARTICLE 19

(RESERVED)

ARTICLE 20

LEGAL STATUS PROVISIONS

20.1. **Interpretation** - In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

20.2. **Relation To Other Laws And Private Restrictions**

A. Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, resolution, Ordinance, rule or regulations of any kind, the regulations which are more restrictive shall apply.

B. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this Ordinance are most restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

20.3. **Ordinance Provisions Do Not Constitute Permit** - Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

20.4. **Provisions Are Cumulative** - The provisions of this Ordinance are cumulative with additional limitations imposed by all other laws and Ordinances, heretofore passed or which may be passed hereafter, governing any such matter appearing in this Ordinance.

20.5. **Separability** -It is hereby declared to be the intention of the City of Piperton, Tennessee, that the several 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 to be 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 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.

20.6. **Application Of Regulation** -No building or other structure shall be constructed, erected, placed or maintained and no land use commenced within the City except as specifically or by necessary implication, authorized by this Ordinance. Special exception uses are allowed only on permit granted by the Board of Zoning Appeals. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

20.7. **Scope Of Regulation**

1. New Uses, Lots, Buildings or Other Structures - Upon the effective date of this Ordinance, any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this Ordinance.

2. Existing Uses, Lots, Building or Other Structures - Any existing use, lot, parcel, building or structure legally established prior to the effective date of this Ordinance which does not comply with the provisions shall be subject to the nonconforming use provisions in Article 3 of this Ordinance.

20.8. **Violation And Penalty** - Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars ($50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

20.9. **Effective Date** - This Ordinance shall be in force and effect from and after its passage on second and final reading and adoption, the public welfare requiring it.

1. Approved and certified by Planning Commission

ATTEST:

_____ _____

Chairman of Planning Commission Secretary of Planning Commission

2. Approved by the Board of Mayor and Commissioners in final reading:

ATTEST:

_____ _____

Mayor City Recorder

Passed _____

Updated: 6/25/98, Art. 8, Provisions governing signs.

Updated 3/20/01: adding Planned Development Overlay District (PD-O)

Updated 5/15/01: adding Conservation Design District (CD-O) (eliminated R-2 zoning)

Updated 5/7/02: adopting new Sign Ordinance.

Updated 10/15/02: adopting new Lighting Requirements.

Updated: 11/10/03 re: Temporary Structures Sec. 3.4 and
Minimum Building Setback Line Secs. 5.1.6 & 5.2.6

Updated: 11/24/04 adding Article 15, Flood Plain.

Updated: 11/15/05, amending Conservation Design Ordinance

Updated : 12/20/05, amending R-1 Zoning District

Updated: 3/20/07, adding Mixed Use Planned Development District.

Updated 12/18/07, amending Zoning 3.13

Updated 7/15/08, amending B-2, B-3, and O Zoning Dists. to 1 ac.

Updated 10/21/08: adding Municipal Flood Prevention Regulations.

Updated 11/18/08 adding Fences, Walls and Hedges.

Updated 12/15/09: amending Accessory Structures.

Updated 1/19/10: adding Sexually Oriented Businesses.

Updated 4/20/10: adding standards for Wedding Chapel, Special Event Facility.

Updated 6/15/10: amending Art 14, Sec. 14.7 C.1 of Conservation Design Overlay.

Updated 3/15/11, adding standards for Veterinary Clinic, Sec. 12.9.15.

Updated 5/18/11, deleting Sec. 8.21 and 16.6, fees enumerated for Signs and Sexually Oriented Businesses.

Updated 11/20/12, amending portions of text concerning Day Care Facilities, etc.

Updated 5/20/14, amending Article 2-Definitions, Article 3-General Provisions, Article 5-Provisions governing residential districts, Article 12-Administration and Enforcement; all related to Home Occupations.

Updated 7/21/15, amending Article 5, table 1, Article 6, table 2 and sections 6.1.7, 6.2.7, 6.3.7, and 6.4.7, reducing the minimum lot widths in the B-1, B-2, and B-3 and O Districts. (Ord 256-15)

Updated 11/17/15, amending Article 12.9.15, standards for Veterinary Hospital or Clinic and adding B-3, Major Planned Commercial District (Ord 260-15)