

Municipal Zoning Ordinance



Town of Wartrace, Tennessee

29 Main St., E. · P.O. Box 158 · Wartrace, TN 37183

ZONING ORDINANCE NO. 87-005

ADOPTED: APRIL 13, 1987
LAST AMENDED: NOVEMBER 15, 2010
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**TOWN OF WARTRACE, TENNESSEE
MARCH 2021 RESTATED
MUNICIPAL ZONING ORDINANCE**

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ARTICLE I
ENACTMENT

SECTION

- 1.1 Authority**
- 1.2 Title**
- 1.3 Enactment**
- 1.4 Purpose**
- 1.5 Legal Status Provisions**

1.1 AUTHORITY: An ordinance, in pursuance of the authority granted by Section 13-7-205 through 13-7-306, Tennessee Code, to provide for the establishment of districts within the planning jurisdiction of Wartrace, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures: to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

1.2 TITLE: This ordinance shall be known as the "Zoning Ordinance of Wartrace, Tennessee," dated, **April 13, 1987**. The map herein referred to as the Official Zoning Map of Wartrace, Tennessee," dated, **April 13, 1987**, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.3 ENACTMENT:

WHEREAS Sections 13-7-205 through 13-7-401 of the Tennessee Code, empowers the town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS the Board of Commissioners deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the town to enact such ordinance; and

WHEREAS all the requirements of Sections 13-7-201 through 13-7-306 of the Tennessee Code, with regard to the preparation of the zoning plan of the planning commission and subsequent action if the Board of Mayor and Aldermen have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN THAT THE ZONING ORDINANCE OF WARTRACE, TENNESSEE, BE ENACTED INTO LAW.

1.4 PURPOSE: The zoning and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of Wartrace. These provisions have been designed to lessen congestion in the streets; to secure safety from fires, floods, panic and other dangers; to avoid undue concentration of population; to allow for adequate privacy, sanitation, light and air; to prevent the overcrowding of land; to promote adequate transportation, water, sewer, school, park, and other public systems; to conserve the value of buildings and land; to enhance the character and stability of residential, business, commercial and industrial areas; and to promote the orderly and beneficial development of the same; to enhance the natural, man-made and historical amenities of Wartrace, Tennessee; and to encourage the most appropriate uses of land.

1.5 LEGAL STATUS PROVISIONS

A. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements for the promotion of the public health, safety, morals, and welfare.

B. Relationship to Other Laws and Private Restrictions

1. 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 provisions of this ordinance or other law, or ordinance of any kind, the provisions which are more restrictive shall apply.
2. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance to the extent that they are more restrictive shall govern.

C. 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 location, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

D. Provisions Are Cumulative: The provisions of this ordinance are cumulative and supercede any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this ordinance.

E. Separability: It is hereby declared to be the intention of the Board of Mayor and Aldermen of the Town of Wartrace, Tennessee, that the several provisions of this ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgement shall not affect any other provision of this ordinance not specifically included in said judgement.
2. If any court of competent jurisdiction shall adjudge invalid, the application of any provision of this ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgement.

F. Application of Regulation: No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the town, except as specifically or by necessary implication, authorized by this ordinance. Special exceptions are allowed only on permit granted by the Board of Zoning Appeals upon finding that the specified conditions exist. Where a lot is devoted to a permit principal use, customary accessory uses, and structures are authorized except as prohibited specifically or by necessary implication.

G. Scope of Regulations

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, Buildings, or Other Structures
 - a. Any existing use legally established prior to the effective date of this ordinance which does not comply with its provisions shall be subject to the nonconforming use provisions in Article XI, of this ordinance.
 - b. Any existing lot, parcel, building, or other structure legally established prior to the effective date of this ordinance which does not comply with its provisions, other than the use provisions, shall be subject to the noncomplying regulations in Article XI, of this ordinance.
3. Alteration of Existing Buildings or Other Structures: All structural alteration or relocation of existing buildings or structures occurring after the effective date of this ordinance and all enlargements of or additions to existing uses occurring hereafter shall

be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

H. Exceptions, Variances: Whenever the zoning ordinance in effect at the time of adoption of this ordinance has authorized any use which is not permitted as of right of issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarged, or structurally altered only as set forth in Article X, Section 10.2, D.

1. Renewals: Where no limitation of the use was imposed at the time of authorization, such use may be continued. Where such use was authorized subject to a term of years, such use may be continued until the expiration of the term, and thereafter, the agency or similar constituted agency which originally authorized such use may, in appropriate cases, extend the period of continuance for one or more terms of not more than five (5) years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such use on the character of the neighborhood.

2. Change of Use: In no event shall such use be changed, and no agency shall be empowered to permit such use to be changed, except to a conforming use or nonconforming use as provided for in Article X, Section 10.2, D. For the purpose of this section, a change of use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change in use.

I. Effective Date: This ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it. Approved and Certified by the Wartrace Municipal Planning Commission.

_____ Mayor _____ *Date*

_____ Chairperson _____ *Date*

ATTEST: _____ Town Attorney _____ *Date*

_____ Town Recorder _____ *Date*

APPROVED ON FINAL READING: _____, 20____

ARTICLE II
DEFINITIONS OF TERMS

SECTION

2.1 Scope

2.2 Definitions

2.1 SCOPE: Unless otherwise stated the following word shall, for the purpose of this ordinance, have the meanings indicated:

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

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

- 1. ABUTS OR ABUTING: Lots or land adjoining but separated by a common property line.
- 2. ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
- 3. ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.
- 4. ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.
- 5. ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall

other than a fire wall. Any walled and floored addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

6. ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or their device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.
7. ADVERTISING SIGN OR STRUCTURE: See SIGN.
8. AGRICULTURE USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Wartrace, Tennessee, are complied with. The flooding or disposal of community or collected garbage animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, fish, or minnow hatcheries, riding stables, livery or boarding tables or dog kennels be so considered.
9. ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.
10. ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.
11. APPEAL: A request for a review by the Wartrace Board of Zoning Appeals for an interpretation of any provision of this ordinance, a request for a variance, or a request for a special exception.
12. AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.
13. AUDITORIUMS: A building or structure designed or intended for use for gathering of people as an audience to hear music, lectures, plays, and other presentations. (*Ordinance 13-002*)

14. AUTOMOBILE REPAIR: The lot area used for the maintenance and repair of vehicles. It may or may not include inoperative vehicles used for inventory and the replacement of parts. It may or may not include repair work on the body of the vehicle, such as repairing dents and painting.
15. AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.
16. AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS: Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.
17. AVERAGE GROUND ELEVATION: The elevation of the finished grade at the front of a structure.
18. BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.
19. BOARD: Board of Commissioners, Town of Wartrace, Tennessee.
20. BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than 40 feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.
21. BUILDING: Any structure built for, or occupied by residence, business, industry, or other uses, including a tent, lunch wagon, dining car, mobile home, travel trailer, or a similar structure, whether stationary or movable.
 - 21.1 Half-Story: A story under a sloping roof, the finished floor area of which does not have one-half (1/2) of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area immediately above.
 - 21.2 Height of Building: The distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of a building.

- 21.3 Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.
- 21.4 Total Floor Area: The area of all floors of a building, including finished attic, finished basement, and covered porches used for habitation.
22. BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.
23. BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
24. BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.
25. BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.
26. BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.
27. BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.
28. BUSINESS AND COMMUNICATION SERVICES: The provision of services of clerical, goods, brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printings, but excluding the printing of books, other than pamphlets and small reports.

29. CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
30. CEMETERY: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery. (*Ordinance 13-002*)
31. CLINIC: See MEDICAL FACILITY.
32. COMMUNITY CENTERS: A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. May also be referred to as civic center. (*Ordinance 13-002*)
33. COMMUNITY GARDEN: A private or public facility for cultivation of fruits, flowers, vegetables, ornamental plants by more than one person or family. (*Ordinance 13-002*)
34. CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.
35. CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats, but excludes other apparel, cleaning, and repair services.
36. COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, tennis, dining facilities, lounge.
37. COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.
38. DAY NURSERY: Any place, home, or institution, which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.
39. DEVELOPMENT: Any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,

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

40. DISTRICT: Any section or sections of the area lying within Wartrace, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.
41. DWELLING: A building or part thereof used as a habitation under one of the following categories:
- 41.1 Dwelling, Single Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family.
 - 41.2 Dwelling, Duplex Two-Family: A detached residential building containing two (2) separate dwelling units, designed for occupancy by not more than two (2) families.
 - 41.3 Dwelling, Multiple-Family: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
 - 41.4 Dwelling, Apartment: A building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.
 - 41.5 Dwelling, Boarding House: A building and accessories thereto principally used, designed, or adapted to provide living accommodations and common cooking and dining facilities.
 - 41.6 Dwelling Condominium: Two (2) or more dwellings located on the same tract of land in one (1) ownership and constructed as a planned development.
 - 41.7 Dwelling, Group Housing: A building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than 6 occupants and having common cooking and dining facilities.
 - 41.8 Dwelling, Mobile Home: A vehicular one-family portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, and having one of the following characteristics:

- A. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- B. Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels.
- C. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations to utilities and the like.
- D. Exceeds forty (40) feet in length and eight (8) feet in width.
- E. Is not designed and constructed in accordance with applicable provisions of the adopted housing codes.
- F. Does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing codes.
- G. Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

41.9 Dwelling, Manufactured Home: For the purpose of this article, manufactured home means a structure portable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportation structures placed on a site for one hundred-eighty (180) consecutive days or longer and intended to be improved property.

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

41.11 Dwelling, On-Site Security: A single dwelling unit located within a structure located on property zoned Commercial-2 (C-2) or Industrial-1 (I-1) for the purpose of providing on-site security for the business or industry located on that property. This use is classified as an Accessory Use and does not permit the construction of a dwelling unit on vacant property zoned C-2 or I-1. The dwelling unit shall be occupied by the owner or an employee of the company in which the dwelling unit is located. The dwelling unit

shall not be occupied by a family, as defined in Section 2.2 (38) of the Wartrace Zoning Ordinance. The dwelling unit shall meet the minimum square footage required by the currently adopted building codes of the municipality and shall not exceed 400 square feet in size. (*Ordinance 18-001*)

42. FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
43. FINANCIAL, CONSULTATION, AND ADMINISTRATION: Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also, includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattles for the purpose of sale unless otherwise permitted by other provisions of this ordinance.
44. FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; (ii) the unusual and rapid accumulation or runoff of surface waters from any source. (*Ordinance 07-001*)
45. FLOOR AREA: the sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.
46. FRONTAGE: All of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead-end of the street.
47. GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.
48. GOLF COURSES: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses. (*Ordinance 13-002*)

49. GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
50. HEALTH DEPARTMENT: The Beford County Department of Health.
51. HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.
52. HOME OCCUPATION: An incidental occupation customarily carried on in the residence, utilizing no more than twenty-five (25) percent of the usable floor area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment, and machinery not customarily used in residential areas.
53. HOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but not limited to conference and meeting rooms, restaurants, and recreational facilities. (*Ordinance 10-005*)
54. HOSPITAL: See MEDICAL FACILITIES.
55. INSTITUTIONAL USE: Public or private group use of a nonprofit nature, typically engaged in public service. (*Ordinance 13-002*)
56. UNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing, and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.
57. LANDSCAPE TREATMENT: The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.
58. LIBRARIES: A public facility for the use, but not sale, of literary, musical, artistic or reference materials. (*Ordinance 13-002*)

59. LICENSEE: Any person licensed to operate and maintain a mobile home park under the provisions of this ordinance.
60. LIGHT INDUSTRY: Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare, and heat, and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, physiological effects, and generation of motor vehicle traffic.
61. LOADING AND UNLOADING SPACE: An area for the loading and unloading of trucks or other vehicles at least fifty (50) feet in depth, twelve (12) feet in width, (with an overhead clearance of not less than fourteen (14) feet, exclusive of access, platform, or maneuvering area.
62. LOT: A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal structures and accessory structures and including the open spaces required under this ordinance.
63. LOT AREA: The total surface land area included within lot lines.
64. LOT CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred-thirty-five (135) degrees.
65. LOT COVERAGE: The relationship between the size of the building site and the amount of land utilized by principal and accessory structures.
66. LOT DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.
67. LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
68. LOT INTERIOR: A lot other than a corner lot.
69. LOT LINES: The boundary dividing a given lot from the street, an alley, or adjacent lots.
70. LOT OF RECORD: A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record.

71. LOT WIDTH: The width of a lot at the building setback line measured at right angles at its length.
72. MAUSOLEUMS: A building containing above-ground tombs. (*Ordinance 13-002*)
73. MEDICAL FACILITIES:
- 73.1 Convalescent, Rest or Nursing Homes: A health facility where persons are housed and furnished with means and continuing nursing care for compensation.
 - 73.2 Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
 - 73.3 Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
 - 73.4 Public Health Center: A facility utilized by a health unit for the provision of public health services.
74. MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.
75. MOBILE HOME PARK: A place or tract of land whereupon two (2) or more mobile homes occupied for dwelling or sleeping purposes are located for rent or sale on a single lot or tract of land not subdivided. For the purpose of Article VIII, Floodplain District Manufactured Home Park or Subdivision is used.
76. MOBILE HOME SPACE: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
77. MOBILE HOME STAND: A permanent, horizontal foundation or pad, composed of concrete, upon which the mobile home is placed.
78. MOBILE HOME SUBDIVISION: A division of a tract or parcel of land into two (2) or more lots or sites for the purpose of sale or development exclusively for occupancy by mobile homes.

Such subdivisions shall meet all requirements of subdivisions generally as required by the Wartrace Subdivision Regulations.

79. MUSEUMS: A building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects. (*Ordinance 13-002*)
80. NATIONAL GEODETIC VERTICAL DATUM (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
81. NATURAL OR ARTIFICIAL BARRIER: Any river, pond, canal, railroad, levee, embankment, fence, or hedge.
82. NONCOMPLYING: Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations; or any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
- a. Location along district boundary;
 - b. Signs; or
 - c. Accessory off-street parking and loading; either on the effective date of this ordinance or as a result of any subsequent amendment.
83. NONCONFORMING USE: The use of a structure or of land that does not conform with the provisions of this ordinance for the district in which it is located.
84. NOXIOUS MATTER: Material in gaseous, liquid, or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.
85. OFFICE: The term is intended to apply to physicians and surgeons, lawyers, members of the clergy, architects, and engineers. It shall also include insurance agents, insurance adjusters, Realtors, and similar office users but not photo studios, beauty parlors, barber shops, dance schools, business schools, or other such uses. In permitting office as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but only residences occupied by persons engaged in office use, as herein defined, shall be permitted.
86. OPEN SPACE: An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

87. OWNER: Includes his/her duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.
88. PARKING AREA, COMMUNITY: A parking area used exclusively by the residents of the neighborhood or customers or persons engaged in the conduct of establishments in the immediate vicinity of its location, or by those for whom such establishments are conducted. (*Ordinance 13-002*)
89. PARKS: Land that is publicly owned or controlled for the purpose of providing parks, recreation, or open space for public use. (*Ordinance 13-002*)
90. PLANNING COMMISSION: The Wartrace Planning Commission.
91. PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.
92. PLAYFIELDS: A developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer. Bleachers or grandstands may be provided. (*Ordinance 13-002*)
93. PLAYGROUNDS: A land use designed principally to offer recreation, passive or active, to the public. (*Ordinance 13-002*)
94. PRINCIPAL USE: The specific primary purpose for which land or a building is used.
95. PRIVATE WASTEWATER TREATMENT: Individual sub-surface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and or disposal of wastewater, as approved by the local health office.
96. PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.
97. PUBLIC PLAZAS: An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains; art, trees, and landscaping, for use by pedestrians. (*Ordinance 13-002*)
98. PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

99. PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Environment and Conservation and the Public Service Department (TDEC).
100. PUBLIC WATER SYSTEM: A municipal, community, or utility district, water treatment and distribution system of a type approved by the State Department of Environment and Conservation (TDEC).
101. ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.
102. SHELTER - FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.
103. SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shops to its trade area.
104. SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any writing (including letter, word, or numeral), pictorial presentation (including banner, pennant, flag, model, insignia, and billboard or any other figure or similar character, which:
- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
 - b. Is used to announce, direct attention, or advertise; and
 - c. Is visible from outside a building.
 - d. A sign shall include writing, representation, or other figure of similar character within a building only when illuminated and located within a window.
 - e. The word "sign" includes the word "billboard" but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.
- 104.1 Sign, Accessory Business: An accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zone lot.
- 104.2 Sign, Advertising: A sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zone lot.

- 104.3 Sign, Animated: Shall be construed to be a sign that is animated, moving, or rotating, or appears to be animated, moving, or rotating.
- 104.4 Sign, Billboard: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- 104.5 Sign, Business: A sign which directs attention to the business or profession conducted on the premises.
- 104.6 Sign, Civic: Identifying the nature of activity and other pertinent information for any community facility activity.
- 104.7 Sign, Development: Denotes the future facility, architect, engineer, contractor, lending agency, and/or developer on construction site.
- 104.8 Sign, Direct Illumination: All illuminated signs not included in the definition of "Sign, Luminous Background," or "Sign, Indirect Illumination."
- 104.9 Sign, flashing: Shall be construed to be any sign that flashed or blinks or appears to flash or blink.
- 104.10 Sign, Ground: A sign supported by a pole, uprights, or brace on the ground.
- 104.11 Sign, illuminated: A sign designed to give forth any artificial light or reflects such light from an artificial source.
- 104.12 Sign, Indirect Illumination: Any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible and shielded by an opaque material. This is a non-flashing sign.
- 104.13 Sign, Large Realty: Indicates pertinent information regarding property for sale, lease, or rent.
- 104.14 Sign, Luminous Background: A sign created by transillumination or backlighting of a translucent plastic or glass panel, or panels of similar material which may be integrally pigmented, painted, or opaqued.
- 104.15 Sign, Marquee: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from

and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

- 104.16 Sign, Off-Premises: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.
- 104.17 Sign, On-Premises: A sign relative to a product, service, or establishment that is on the premises on which the sign is located.
- 104.18 Sign, Pole or Banjo: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.
- 104.19 Sign, Portable: Any sign which directs attention to any service, business, commodity, profession, or entertainment and is not permanently attached to the building or ground. This includes all such signs that are movable by means of wheels, trailers, or by hand. Such signs shall not include small or large realty signs.
- 104.20 Sign, Residential: Is an accessory sign which indicates the name and/or address of the occupant or a permitted home occupation.
- 104.21 Sign, Roof: A detached sign supported upon the roof or wall of a building.
- 104.22 Sign, Small Realty: Indicated pertinent information regarding property for sale, lease or rent, of not more than six (6) square feet of maximum display surface area, located on the same lot as the facilities advertised thereon, and if not attached to a building, its height not exceeding five (5) feet above finished grade or if attached to a building its height not exceeding above the roof line (or parapet wall, if any) of such building.
- 104.23 Sign, Temporary: Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.
- 104.24 Sign, Wall or Flat: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

105. SIGNAGE: Area in square feet of the continuous perimeter of copy including any wording, numerals, emblems, or representation which is used to announce, direct attention, or advertise, and is visible from outside a building including signage inside a building which is located in a window and illuminated.
106. SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions; is permitted as a special exception by the district provisions.
107. STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.
108. STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use.
- 108.1 Lane: Any public or private way less than thirty (30) feet in width set aside for public travel.
- 108.2 Arterial Street System: A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.
- 108.3 Center Line of Street: That line surveyed and monumented by appropriate governmental authority as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such streets.
- 108.4 Circulation: The flow of traffic, goods, or people within and through an area.
- 108.5 Collector Street: An urban street which collects traffic from minor streets and feeds it into the arterial system.

- 108.6 Connector Street: A rural street or road which serves as primary access to major thoroughfares or which connects population centers with major thoroughfares or other population centers.
- 108.7 Curb Line: The line formed by a curb extending along the roadway.
- 108.8 Point of Access: On a public street, a driveway cut not exceeding thirty (30) feet in width, except as otherwise provided in this ordinance.
- 108.9 Right-of-Way Line of Street: That line surveyed or approved by appropriate governmental authority identical to or contiguous with any property line abutting a street and is often referred to as "street line."
109. STRUCTURE: Any construction or erected material or combination of materials requiring space, including but not limited to buildings, stadiums, radio towers, sheds, storage dens, fall-out shelter, swimming pools, fences, and signs.
- 109.1 Accessory Structure: A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.
- 109.2 Principal Structure: A structure in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with regard to meeting any yard requirement.
110. SUBSTANTIAL IMPROVEMENT: Means for a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes 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 structure. The term does not however, include either (a) any project for the improvement of the structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

111. THEATERS: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical or other live performances. (*Ordinance 13-002*)
112. TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.
113. TRAILS: A publicly owned path system designed for and used by equestrians, pedestrians and cyclists using non-motorized vehicles. (*Ordinance 13-002*)
114. TRANSPORTATION FACILITIES: Individual modal or multimodal conveyances and terminals; within a corridor, facilities may be of local, regional, or statewide importance. Examples of facilities are highways, rail transit lines, transit stations, bicycle paths, and airports. (*Ordinance 13-002*)
115. TRAVEL TRAILER: A vehicular portable structure having a body width not exceeding eight (8) feet (pick-up, piggyback, or motorized camper, converted bus, tent-trailer, or trailer designated as a travel trailer by the manufacturer) designed as a temporary dwelling for travel and recreational purposes only.
116. TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.
117. USE: The purpose for which land or a building or other structure is designed, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this ordinance.
118. VARIANCE: A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
119. WETLANDS: Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs; and similar areas. (*Ordinance 13-002*)
120. WOODLANDS: Generally, an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together. (*Ordinance 13-002*)

121. YARD: Open space on the same lot with one or more principal structures unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

121.1 Yard Front: The yard extending across the entire width of the lot between the right-of-way line of a public street and the nearest part of a principal structure. In the case of a corner lot, the building inspector shall identify the front yard for the purpose of compliance with this ordinance.

121.2 Yard, Rear: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal structure.

121.3 Yard, Side: The yard extending along a side lot from the front yard to the rear yard and lying between the side lot line of a principal structure.

121.4 Yard Depth: The shortest distance between the right-of-way line of a public street and the nearest part of a principal structure on a lot.

121.5 Setback Line: A line running parallel to the street which establishes the minimum distance that the principal building must be set back from the street line.

ARTICLE III
GENERAL PROVISIONS

SECTION

- 3.1 Scope**
- 3.2 Number of Structures and Uses Per Lot**
- 3.3 Fallout or Storm Shelters**
- 3.4 Minimum Lot Area**
- 3.5 Rear Yard Abutting a Public Street**
- 3.6 Visibility at Intersections**
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- 3.8 Access Control**
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- 3.10 Buffer Strips**
- 3.11 Minimum Spacing of Buildings on a Single Zone Lot**
- 3.12 Exception to Height Regulations**
- 3.13 Structures to Have Access**
- 3.14 Parking, Storage, or Use of Major Recreation Equipment**
- 3.15 Special Provisions for Party Walls**
- 3.16 Special Provisions for the Continuance and Extension of Public Streets and Utilities Through Development Sites Remaining in Single Ownership**
- 3.17 Lots of Record (*Ordinance 02-005*)**

3.1 **SCOPE:** For the purpose of this zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to all districts. These provisions are included within this Article. Except as specifically provided herein, no structure or land shall be used, and no structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located and with these regulations.

3.2 **NUMBER OF STRUCTURES AND USES PER LOT**

A. No part of a yard or other open space, or other open space, or automobile storage area, or loading and unloading space, required about or in connection with any structure for the purpose of complying with this ordinance, shall be included as part of a yard, or other open space, or automobile storage area, or loading or unloading space similarly required for any other structure.

- B. With the exception of group housing developments, including mobile home parks, only on principal structure and its customary accessory structures shall hereafter be erected on any lot in a residential district.
- C. No building shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet. This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least forty (40) feet; or to properties whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other property, such easement shall be at least fifty (50) feet in width and shall not be used to provide access to more than one lot or tract of land. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets provided such development is in the form of condominium ownership of such private improvements which has been approved by the planning commission and will be in private ownership and control in perpetuity.

- 3.3 FALLOUT OR STORM SHELTERS:** Fallout or storm shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.
- 3.4 MINIMUM LOT AREA:** No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose, or in projects approved under planned development provisions.
- 3.5 REAR YARD ABUTTING A PUBLIC STREET:** When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line 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.
- 3.6 VISIBILITY AT INTERSECTIONS:** On a corner lot in any district nothing shall be erected, placed, planted, or allowed to be grown in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line

grades of the intersection streets in the area bounded by the street lines of such corner lots and a line joining points along said street line fifty (50) feet from the point of the intersection. This provision shall not apply to principal buildings in the central business district.

3.7 FENCES, WALLS, AND HEDGES: Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited in Section 3.6, above.

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width.
- B. All points of access shall be constructed so as to provide for proper drainage.
- C. In all districts, a point of access shall not be permitted within thirty (30) feet of the street right-of-way line of any public street intersection.
- D. On lots with one hundred (100) feet or street frontage or less, there shall be only one point of access per adjoining street. On lots with frontage greater than one hundred (100) feet, there shall be no more than two (2) points of access for each four hundred (400) feet of frontage.
- E. Where a lot has two (2) access points, the clear distance between such points of access shall not be less than twenty-five (25) feet.
- F. No curbs on city streets or right-of-way shall be cut or altered without written approval of the planning commission, or if a state highway, a permit must be obtained from the Department of Transportation.
- G. Cases requiring variances relative to the above provisions shall be acted upon by the Board of Zoning Appeals in accordance with Article XI, Section 11.5, provided further, that no curb cuts for off-street automobile storage or paring space shall be permitted where the arrangement would require vehicles to back directly into a public street.

3.9 ACCESSORY USE REGULATIONS: The use of land, building, and other structures permitted in each of the districts established by this ordinance is designed by listing the principal use. In addition to such principal use, accessory uses which are customarily incidental to the principal permitted use are also permitted in each district. Each accessory use shall:

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

3.10 BUFFER STRIPS: Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer or owner shall provide a buffer strip as defined herein at the point of abutment.

3.11 MINIMUM SPACING OF BUILDINGS ON A SINGLE ZONE LOT: In all districts, the minimum distance between any two (2) buildings on any single zone lot shall be as provided in this section, except that these provisions do not apply to space between a building enclosing a principal accessory thereto.

A. Minimum Distance Between Buildings: Notwithstanding any other provisions of this ordinance, two or more buildings may be constructed on a single zone lot if parking spaces and usable open space are and will continue to be available in the same proportion to all occupants of the buildings on the lot. The minimum distance between such buildings shall vary according to the height and length of a building combined with the amount of glassed area of the walls. Such minimum distance shall be either twenty (20) feet or the distance required under the following standards, whichever is greater:

1. Where two opposing walls contain no glassed area, required or other, separation shall be as required by fire regulations;
2. Where a wall contains twenty-five (25) percent or more of the glassed area, the building separation shall be ten (10) feet plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet of building length;
3. Where a wall contains some, but less than twenty-five (25) percent of the glassed area of any building, the building separation shall be five (5) feet plus one (1) foot for each fifteen (15) feet of building length.

B. Minimum Required Yard Area: Regardless of the orientation of buildings, no less than the minimum yards required by the district regulations in which such development is located shall be maintained along the other boundaries of the zone lot.

C. Minimum Distance Between Windows and Side or Rear Lot Lines for Buildings Greater Than Three Stories in Height Other Than Detached Dwellings: In all districts, as applicable, any windows contained within a building designed for residential occupancy and having more than three (3) stories shall be a minimum of thirty (30) feet from any side or rear lot line. Said distance shall be measured in a horizontal plane at the windowsill level and perpendicular to such window.

D. Subdivision of Zone Lot After Development: In all districts, after any portion of a zone lot has been developed under the provisions of Section 3.11, of this article, such zone

lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

- 3.12 EXCEPTION TO HEIGHT REGULATIONS:** The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- 3.13 STRUCTURES TO HAVE ACCESS:** Every structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 3.14 PARKING, STORAGE, OR USE OF MAJOR RECREATION EQUIPMENT:** For purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, tent trailers, pick-up campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district in any front yard; provided, however, that such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- 3.15 SPECIAL PROVISIONS FOR PARTY WALLS:** In all districts, a building may be constructed so as to:
- A. Utilize a party wall, defined as a firewall dividing two (2) principal buildings, existing on the effective date of this ordinance, or lawfully erected under the terms of this ordinance; or
 - B. Incorporate a straight extension of a party wall or of an independent wall adjacent to a party wall existing on the date of this ordinance; or
 - C. Share a party wall(s) with other buildings being erected at the same time on an adjoining zone lot or lots.

If a building is so constructed, the side and/or rear yard requirements shall be waived along the boundary of the zone lot coincident with said party wall(s), and one side yard shall be provided along any sideline where a party wall is not so utilized, and any such side yard shall not be less than the minimum width for the district in which it is located.

3.16 SPECIAL PROVISIONS FOR THE CONTINUANCE AND EXTENSION OF PUBLIC STREETS AND UTILITIES THROUGH DEVELOPMENT SITES REMAINING IN SINGLE OWNERSHIP

- A. Purpose: It is held to be in the public interest to protect the health, safety, and welfare of residents of developments, (which by reason of ownership or method of developments places numerous dwellings on a single parcel of ground in which the ownership remains undivided) and the general public by providing for the orderly continuance of street patterns and the extension of utilities service, drainage ways, etc., through such developments. It is the purpose and intent of these provisions to protect that interest by enabling the extension of these facilities by the dedication of easements, rights-of-way, etc., through such sites.
- B. Requirements for Site Plan and Plat: Within such developments as described above, the following shall apply:
1. A site plan meeting the provisions of Article XI, Section 11.3, B, shall be submitted and approved.
 2. In any instance where a portion of the site or any facilities or utilities located on the site are to be dedicated for public use, a plat meeting the requirements set forth below shall be prepared, submitted for approval, and upon approval, filed with the County Registrar.
- C. Contents of Required Plat: The following information shall appear on all plats prepared in accordance with the provisions contained within this Section:
1. A boundary survey of the site indicating the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot;
 2. The location and width of all streets, easements, rights-of-way, or other properties located within the site which are to be dedicated to the public. The purpose and restriction concerning all easements shall be noted.
 3. The size and location of all utility lines and necessary valves, connections and other appurtenances which comprise utilities to be dedicated to the public;
 4. The distance and bearing from one point along the boundary of the development to an established survey monument;
 5. Certificates of accuracy, dedication, and acceptance as may be necessary to establish transfer of all dedicated properties and facilities (format of certificates may be taken from the Subdivision Regulations).

3.17 LOTS OF RECORD (*Ordinance 02-005*)

- A. Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of adoption of this ordinance does not own sufficient land to enable him/her to conform to the yard or other requirements of this ordinance an application may be submitted to the Wartrace Board of Zoning Appeals by a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Wartrace Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

ARTICLE IV
ESTABLISHMENT OF DISTRICTS AND
PROVISIONS FOR OFFICIAL ZONING MAP

SECTION

- 4.1 Classification of Districts**
- 4.2 Provisions for Official Zoning Map**
- 4.3 Rules for Interpretation of District Boundaries**

4.1 CLASSIFICATION OF DISTRICTS

- A. For the purpose of this ordinance, the Town of Wartrace, Tennessee, is hereby divided into six (6) districts as follows: (*Ordinance 06-001*)

Residential	R-1
Residential	R-2
Residential	R-3
Residential Rural Estate	R-RE1
Commercial	C-1
Industrial	I-1

- B. The boundaries of these districts are hereby established as shown on the "Municipal Zoning Map of Wartrace, Tennessee", dated February 11, 2013, hereinafter referred to as the municipal zoning map), which is on file in the office of the City Recorder (*Ordinance 13-003*)

- C. For the purpose of this ordinance, special districts as indicated on the official zoning map are created as follows: **Floodplain District.**

4.2 PROVISIONS FOR OFFICIAL ZONING MAP

- A. Incorporation of Maps: The boundaries of districts established by this ordinance are shown on the Official Zoning Map which is hereby incorporated into the provisions of this ordinance. The zoning map in its entirety, including all amendments shall be as much a part of this ordinance as if fully set forth and described herein.

- B. Identification and Alteration of the Official Zoning Map: The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Recorder and bearing the seal of the town under the following words: **"This is to certify that this is the Official Zoning Map referred to in Article IV, of Ordinance Number 87-002, of the Town of Wartrace, Tennessee," together with the date of the adoption of this ordinance.**

If, in accordance with the provisions of this ordinance and Section 13-7-204, Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Mayor and Aldermen by official action of the same, the following changes(s) were made in the Official Zoning Map: "Brief description of nature of change," which entry shall be signed by the Mayor and attested by the Town Recorder.

No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever nature by any person or persons shall be considered a violation of this ordinance and punishable as provided under Article XI, Section 11.8.

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

- C. Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the Board of Mayor and Aldermen may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors of omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the

Mayor attested by the City Recorder and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map adopted as part of Ordinance Number 87-002 of the Town of Wartrace, Tennessee." All prior Official Zoning Maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendment.

4.3 **RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** When uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsection 1 through 5, above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6, above, the Board of Zoning Appeals shall interpret the district boundaries.
8. Where a district boundary line divides a lot of record at the time of passage of this ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE V
RESIDENTIAL DISTRICT REGULATIONS

SECTION

- 5.1 Residential R-1 District (Low Density Residential)**
- 5.2 Residential R-2 District**
- 5.3 Residential R-3 District (High Density)**
- 5.4 Residential Rural Estate R-RE1 District (Low Density)**
- 5.5 Mobile Home Park District, MHP**

5.1 RESIDENTIAL R-1 DISTRICT (LOW DENSITY RESIDENTIAL)

Intent: To provide very low-density residential development generally on tracts of land not considered to be subdivisions, and to provide reasonable provisions for mobile homes. Also, to limit development in lands not suited for development by reason of soil, geologic, topographic, or other limitations. Within the Residential R-1 Districts as shown on the regional zoning map, the following regulations shall apply:

- A. Uses Permitted:
 - 1. Single-family dwellings.
 - 2. Customary home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person who is not a resident of the premise, is employed.
 - 3. One unilluminated temporary on-site sign not exceeding one hundred (100) square feet in area, with no dimension exceeding twelve (12) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the City at the expense of the owner.
 - 4. One unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.
 - 5. Other signs as regulated in Article IX, Section 9.5.
 - 6. Farming uses, excluding the keeping of chickens and pigs.
 - 7. Accessory uses or structures customarily incidental to the above permitted uses.

- B. Special Exceptions: Within the Residential R-1 District, the following uses may be permitted as special exceptions in accordance with Article XI, Section 11.6.
 - 1. Municipal, county, state, or federal uses, except storage facilities.

- C. Uses Prohibited: Uses not specifically permitted or permitted as special exceptions.
- D. Lot Area, Lot Width, Yards, and Building Area: The principal structure of structures shall be located to comply with the following requirements.

- 1. Lot Area, Lot Width, Rear and Side Yards

Minimum lot area for dwelling	½ acre
Minimum Lot Width at Street Line for Residences	100 feet
Minimum Rear Yard	30 feet
Minimum Side Yard	26 feet

- 2. Front Yards: All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal-regional thoroughfare plan:

Arterial Streets	50 feet
Collector/Connector Streets	50 feet
Minor Streets	50 feet

- 3. Building Area: On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed forty-five (45) percent of the total area. Accessory structures shall not cover more than thirty (30) percent of any required rear yard.

- E. Height: Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

- F. Location of Accessory Structures

- 1. With the exception of signs, accessory structures shall not be erected in any required front yards.
- 2. Accessory structures shall be located at least two (2) feet from all lot lines and from any building on the same lot.

5.2 RESIDENTIAL R-2 DISTRICT

Intent: To provide a low-density residential environment having good access to public water, schools, and other community facilities, but well separated from heavy traffic and other incompatible activities.

A. Uses Permitted

1. Single-family and two-family dwellings.
2. The taking of boarders or the renting or leasing of rooms by the family resident on the premises; provided, that not over fifty (50) percent of the total floor area is used for such purpose.
3. Customary home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person who is not a resident of the premise, is employed.
4. One unilluminated temporary on-site sign not exceeding one hundred (100) square feet in area, with no dimension exceeding twelve (12) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the Town at the expense of the owner.
5. One unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.
6. Other signs as regulated in Article IX, Section 9.5.
7. Farming uses, excluding the keeping of chickens and pigs.
8. Accessory uses or structures customarily incidental to the above permitted uses.

B. Special Exceptions: Within the Residential R-2 District, the following uses may be permitted as special exceptions in accordance with Article XI, Section 11.6.

1. Churches and other places of worship.
2. Multi-family dwellings in accordance with additional regulations in Article IX, Section 9.2.
3. Planned developments in accordance with additional regulations in Article IX, 9.4.
4. Public and private schools offering general education courses.
5. Railroad rights-of-way.
6. Municipal, county, state, or federal uses, except storage facilities.
7. Cemeteries.
8. Philanthropic institutions, private clubs, except clubs the chief activities of which are customarily carried on as a business, and recreation areas.
9. Nursing homes and health care services.

10. Similar uses or structures subject to such conditions as the Board of Appeals may require in order to preserve and protect the character of the district in which the use is to be located.
11. Operation of restaurant with the following stipulations: (*Ordinance 03-001*)
 - A. Minimum of 2,500 square feet of space
 - B. Maximum seating: 30
 - C. Minimum seating: 10
 - D. Lunch and dinner only
 - E. By reservation only
 - F. Hours of operation at owner's discretion
 - G. No exterior structural changes
 - H. Parking at rear only
 - I. Site plan of parking lot showing ingress, egress, and flow of traffic.
 - J. Parking lot lighting must meet Southern Building Code.
 - K. Parking lot surface: gravel, asphalt, or concrete. If gravel, must be converted to hard surface within eighteen (18) months of beginning date of operation.
 - L. Music not to exceed seventy (70) decibels.

C. Uses Prohibited: Uses not specifically permitted or permitted as special exceptions.

D. Lot Area, Lot Width, Yards, and Building Area: The principal structure or structures shall be located to comply with the following requirements.

1. Lot Area, Lot Width, Rear and Side Yards

Minimum lot area for dwelling 20,000 square feet

Minimum lot area for each additional dwelling unit 7,000 square feet

Minimum lot width at building line:

For residences 75 feet

For institutional uses 250 feet

For other permitted uses 100 feet

Minimum rear yard 30 feet

Minimum side yard:

For one- or two-story buildings 10 feet

For three-story buildings 20 feet

For street side portions of corner lots 1 minimum (plus Fifty (50) percent)

2. Front Yards: All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, or shall conform to their classifications as indicated on the latest municipal-regional thoroughfare plan:

Arterial Streets	50 feet
Collector/Connector Streets	35 feet
Minor Streets	30 feet

3. Building Area: On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed forty-five (45) percent of the total area. Accessory structures shall not cover more than thirty (30) percent of any required rear yard.

- E. Height: Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

F. Location of Accessory Structures

1. With the exception of signs, accessory structures shall not be erected in any required front or side yards.
2. Accessory structures shall be located at least two (2) feet from all lot lines and from any building on the same lot.

5.3 RESIDENTIAL R-3 DISTRICT (HIGH DENSITY) (Ordinance 03-004)

Intent: This district is designed to provide suitable areas for high-density residential development characterized by an open appearance. This district will consist of single-family detached dwellings and limited accessory structures. This district includes community facilities, public utilities, and open uses, which specifically serve the residents of the district or which are benefited by and compatible with a residential environment. It is the intent of this Ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this Ordinance to exclude from this district all buildings or other commercial structures and uses having commercial characteristics whether operated for profit or otherwise, except that certain home occupations may be allowed as Special Exceptions and shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

A. Uses Permitted

1. Single-family detached dwelling.
2. Customary accessory buildings, including private garages, provided they are located in the rear yard and not closer than five (5) feet to any lot line.

B. Special Exceptions: Within the Residential R-3 District, the following uses may be permitted as Special Exceptions after review and approval in accordance with Article XI, Section 11.6.

1. Public and semi-public recreational facilities and grounds.
2. Utility facilities (without storage yards) necessary for the provision of public services.
3. Customary incidental home occupations as defined in Article II, Section 2.2, Number 52, and conducted within the principal structure, but only by a person resident of the premise; provided that not more than one person who is not a resident of the premise, is employed.

C. Uses Prohibited: Uses not specifically permitted or permitted as Special Exceptions.

D. Lot Area, Lot Width, Yards, and Building Area: The principal structure shall be located to comply with the following requirements:

1. Minimum Lot Size

Minimum area per single-family detached dwelling	15,000 sq. feet
Lot Width at Building Setback Line	80 feet

2. Minimum Yard Requirements: All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal Mayor Thoroughfare Plan:

Front yards

Fronting a Major Thoroughfare	40 ft.
Fronting a Collector	35 ft
Fronting a Minor Street	30 ft.

Side yards 10 ft.

Rear yards 25 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height except as provided in Article III, Section 3.12. No accessory structure shall exceed two (2) stories in height.

5. Parking Space Requirements: As regulated in Article IX, Section 9.1.

6. Easements: Public and private permanent easements as regulated in Article III, Section 3.2, C.

5.4 RESIDENTIAL RURAL ESTATE R-RE1 DISTRICT (LOW DENSITY) (Ordinance 06-001)

Intent: To provide very low-density residential estate development at densities lower than is customary in urban areas. Also, to limit development in lands not suited for development by reason of soil, geologic, topographic, or other limitations. Within the Residential R-RE1 Districts, as shown on the regional map, the following regulations shall apply:

- A. Uses Permitted
 1. Single family dwellings.
 2. Limited non-residential uses allowed, with review.
 3. Accessory Dwelling Units and Owner’s Accessory Units permitted with review.
 4. Signs as regulated in Article IX, Section 9.5.
 5. Farming uses, no more than one (1) horse per acre.

- B. Special Exceptions: There are no uses permitted as special exceptions within the Residential R-RE1 District.

- C. Uses Prohibited: Uses not specifically permitted or permitted as special exceptions.

- D. Lot Area, Lot Width, Yards and Building Area: The principal structure of structures shall be located to comply with the following requirements.
 1. Lot Area, Lot Width, Rear and Side Yards

Minimum lot width for dwelling	2 acres.
Minimum lot width at street line for Residences	100 feet
Minimum rear yard	30 feet
Minimum side yard	25 feet

 2. Front Yards: All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal-regional thoroughfare plan:

Arterial Streets	100 feet
Collector and Connector Streets	100 feet
Minor Streets	100 feet

- E. Building Area: On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed forty-five (45) percent of the total area. Accessory structures shall not cover more than thirty (30) percent of any required rear yard.
- F. Height: Principal structures shall not exceed three (3) stories not thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof additional height. No accessory structure shall exceed two (2) stories in height.
- G. Location of Accessory Structures
 - 1. With the exception of signs, accessory structures shall not be erected in any required front yards.
 - 2. Accessory structures shall be located at least two (2) feet from all lot lines and from any building on the same lot.

5.5 MHP, MOBILE HOME PARK DISTRICT (Ordinance 08-001)

- A. District Description: This district is designed to provide suitable areas for the development of mobile home parks and to provide maximum flexibility in design while ensuring a minimum standard of site development for mobile home parks. These districts shall only be established where complete urban facilities, specifically public sewer, are available or where such facilities will be available prior to development. This district will also include community facilities and public utility installations which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development. The following regulations are intended to ensure a minimum standard of site development for mobile home parks.

B. Mobile Home Park Building Permit

- 1. The application for a "mobile home park permit" shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. The Building Inspector shall act upon an application for a permit after receipt of a report from the Wartrace Municipal Planning Commission. The Planning Commission may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

2. Site Plan Required: A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the planning commission and the Board of a site development plan containing the following information.
 - a. The name and address of the applicant.
 - b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
 - c. The location, size, and number of all mobile home spaces.
 - d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
 - e. The proposed use of buildings shown on the site plan.
 - f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
 - g. The location and number of all off-street parking facilities.
 - h. The location of park and recreation areas.
 - i. A complete drainage plan with contour line intervals of five (5) feet.
 - j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
 - k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
 - l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Zoning Administrator, the planning commission, and the Board to determine if the provision of these regulations is being complied with shall be submitted with the site plan.

C. Development Standards

1. General

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

2. Minimum Development Size: No mobile home park shall be approved which contains less than ten (10) acres in area or has less than fifteen (15) mobile home spaces.
3. Dimensional Requirements for Parks
 - a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
 - b. Within the interior portions of the mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.
 - c. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
 - d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
 - e. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.
4. Spacing of Mobile Homes and Site Coverage
 - a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
 - b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
 - c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.
5. The Mobile Home Lot
 - a. **General**: The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.
 - b. **Mobile Home Stands**: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. In addition, such stand shall comply with the publication of **FHA "Minimum Property Standards for Mobile Home Parks", May 1977**.

- c. **Outdoor Living Area:** Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.
 - d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.
6. **Utilities and Other Services**
- a. An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto, and its supply used exclusively.
 - b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Wartrace Water and Sewer Department.
 - c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
 - d. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings. electrical installations and plumbing and sanitation systems.
 - e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute (50 psi static, 25 psi residual.)
 - f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.
7. **Streets:** Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.
- a. **Circulation:** The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.
 - b. **Pavement Widths:** Pavement widths shall be as follows:

Collector Street

- with no parking 20 ft.
- with on-street parking 36 ft.

Minor Street

- with no parking 18 ft.
- with on-street parking 34 ft.

One-Way Minor Street

- with no parking 12 ft.
- with on-street parking 28 ft.

- c. Construction: The internal streets and drives shall be paved in accordance with Town subdivision regulations.

- 8. Walks: All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 ½) feet. All mobile home stands shall be connected to common walks, streets, driveways, and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

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

- 10. Buffer and Screening: A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet. Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

- 11. Site Design: The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant

material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

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

D. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Zoning Administrator which includes securing its stability to anchor pins and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
 - c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of this section.

E. Responsibilities of Park Occupants

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

F. Inspections

1. The Zoning Administrator is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The Zoning Administrator shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

G. Penalties

1. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
2. Each day that a violation is permitted to exist shall constitute a separate offense.
3. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

H. Revocation of Permit: The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the

circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

I. Prohibited Structures

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

ARTICLE VI

COMMERCIAL DISTRICT REGULATIONS

SECTION

- 6.1 (C-1), Commercial Central Business District
- 6.2 (C-2), Commercial General Commercial District

6.1 C-1, Central Business District

- A. District Description: This district is established to provide for a wide range of retail, office, and service uses. In addition, this district provides for governmental uses and community facilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the regular and local shopping. Relatively high density and intensity of use as well as structuring these regulations to permit maximum pedestrian movement is intended. This district is found in the historic downtown area of Wartrace.
- B. Uses Permitted: In the C-1, Central Business District, the following uses are permitted:
 - 1. Government buildings and community centers.
 - 2. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores and other similar uses.
 - 3. Churches and other places of assembly.
 - 4. Restaurants.
 - 5. Day Care Centers.
 - 6. Hotels
 - 7. Professional offices, such as lawyers and accountants.
 - 8. Business offices, such as real estate, insurance, and finance.
 - 9. Antique and gift shops.
 - 10. Banks.
 - 11. Furniture and home furnishings stores.
 - 12. Newspaper and printing shops.
- C. Accessory Uses and Structures: Signs in compliance with the regulation set forth in Article IX, Section 9.5.
- D. Uses Permitted as Special Exceptions: In the C-1, Central Business District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.070;

1. Bed and Breakfast establishments.
 2. Upper story residential dwellings.
- E. Uses Prohibited: In the C-1, Central Business Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.
- F. Dimensional Requirements All uses permitted in the C-1, Central Business Commercial District, shall comply with the following requirements.
1. Minimum Lot Size: No minimum land area shall be required in the C-1 District, where public water and sewer service is available. If any building is taken down for any reason, another structure must replace the footprint of the building as well as the architectural façade.
 2. Minimum Yard Requirements: No front, rear, or side yard minimum required.
 3. Maximum Lot Coverage: There are no restrictions on the area occupied by all buildings on a lot or parcel located in the C-1 District.
 4. Height Requirements: No principal structure shall exceed three (3) stories in height.
 5. Parking Space Requirements: As regulated in Article IX, Section 9.1 Other (14)
 6. Buffering: All trash and refuse receptacles shall be enclosed from public view by landscaping, privacy fencing, or both, as may be required by the Planning Commission.
 7. Sidewalks: The Town of Wartrace requires that the Central Business District be pedestrian-friendly and equipped with a common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of six (6) feet as provided in the Subdivision Regulations, Article IV, Section 4-108 Pedestrian Ways. All new commercial establishments shall dedicate adequate area to accommodate a sidewalk and connect to the common walk system. Such sidewalks shall be designed with safe, convenient, handicapped-accessible, and all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

6.2 C-2, General Commercial District

- A. District Descriptions: This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and dining establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary, to serve the recurring needs of persons frequenting this district. Community facilities and utilities necessary to serve this district, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in this district, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Wartrace and to provide for necessary off-street parking and loading. All new commercial lots shall front on either arterial or collector roads as indicated on the Wartrace Major Thoroughfare Plan.
- B. Uses Permitted: In the C-2, General Commercial District, the following uses are permitted:
1. Government services, including city, county, State and Federal offices, fire and police departments, court buildings and post offices.
 2. Community assembly, including civic, social, fraternal, and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
 3. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums, and swimming pools.
 4. Health care facilities, including physical rehabilitative facilities, convalescent homes, hospitals, and medical clinics.
 5. Board and rooming houses.
 6. Animal care and veterinarian clinics.
 7. Signs as regulated in ARTICLE IV, Section 9.5
 8. Parking lots and garages for the general public.
 9. Sale or rental of automobiles, boats, motorcycles and/or motorized vehicles.
 10. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
 11. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
 12. Consumer repair services, including appliances, furniture, and other types of personal equipment.
 13. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses.
 14. Entertainment and amusement centers, including auditoriums, theaters, bowling alleys and billiard parlor.
 15. Financial, consulting, and administrative services.
 16. Restaurants.

- 17. General business and communication services.
- 18. Mini-storage facilities.
- 19. Motels.
- 20. Funeral Homes and mortuaries.
- 21. Day Care Centers.
- 22. Educational Services

C. Accessory Uses and Structures

- 1. Signs in compliance with the regulations set forth in Article IV, Section 9.5.
- 2. Accessory off-street parking and loading facilities as required in Article IX, Section 9.1.
- 3. Accessory structures and uses in compliance with the regulations set forth in Article III, Section 3.9.
- 4. A dwelling unit in compliance with the Dwelling, On-Site Security accessory use definition in Section 2.2 (37.11) (*Ordinance 18-001*)

D. Uses Permitted as Special Exception: In the C-2, General Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XI, Section 11.6.

- 1. Bed and Breakfast establishments.

E. Uses Prohibited: In the C-2, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements: All uses permitted in the C-2, General Commercial District, shall comply with the following requirements:

- 1. Minimum Lot Size: No minimum land area shall be required in the C-2 District, where public water and sewer service is available. Where only public water is available, there shall be a minimum land area of 10,000 square feet.

2. Minimum Yard Requirements

Front Yard Setback	40 feet
Side Yard Setback	10 feet
Side Yard Setback if abutting residential district	40 feet
Rear Yard	20 feet
Rear Yard Setback if abutting residential district	40 feet

- 3. Maximum Lot Coverage: 50% maximum

4. Lot Width: No lot shall be less than one hundred (100) feet wide, at the building setback line.
5. Height Requirements: No principal structure shall exceed forty (40) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, and accessory structures shall not be erected in any required front yard.
6. Parking Space Requirements: As regulated in Article IX, Section 9.1
7. Accessory Structures: Accessory structures and uses in compliance with the regulations set forth in Article III, Section 3.9.
8. Other Provisions: On corner lots, all principle and accessory structures shall conform to the setback requirements for the adjoining streets with the highest classification. The minimum yards adjoining a residential district shall conform to the respective yard requirements for the residential district.
9. Landscaping: For properties that abut or are adjacent to a residential district, there shall be screening along those affected property lines. The screening shall be a Buffer Strip, as defined in Article III, Section 3.10. Depending on the intensity of the commercial use, a privacy fence may be required by the Planning Commission in addition to the buffer strip, or may be substituted for the buffer strip, depending upon the circumstances involved. All trash and refuse receptacles shall be enclosed from public view by landscaping, privacy fencing, or both, as may be required by the Planning Commission.

ARTICLE VII
INDUSTRIAL DISTRICT REGULATIONS

SECTION

7.1 (I-1) Industrial General District

7.1 (I-1) INDUSTRIAL GENERAL DISTRICT

Intent: To provide for a wide range of industrial and related activities which are basically as compatible as possible with other types of land uses which this district may adjoin, and which cause little off-site adverse impact. Secondly, to protect industrial land from encroachment by other land uses.

- A. Within the Industrial I-1 District, the following uses and their accessory uses are permitted:
1. Food and kindred products manufacturing, except meat products.
 2. Textile mill products manufacturing except dyeing and finishing of textiles.
 3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
 4. Furniture and fixtures manufacturing.
 5. Printing, publishing, and allied industries.
 6. Stone, clay, and glass products manufacturing.
 7. Fabricated metal products manufacturing except ornaments and accessories thereto.
 8. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
 9. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties, and miscellaneous notions; tobacco manufacturing, motion picture production.
 10. All types of wholesale trade.
 11. Office functions only where it is related directly to the industrial establishment in which it is located.
 12. Signs and billboards as regulated in Article IX, Section 9.5.
 13. Warehouse, storage, and truck terminal facilities.
 14. Agricultural equipment sales and repair.
 15. All public utilities including buildings, necessary structures, storage yards, and other related uses.
 16. Animal health facilities including veterinary clinics.
 17. Building materials storage and sales.
 18. Restaurants and cafeterias where food is consumed on the premises inside the principal structures.

19. A dwelling unit in compliance with the Dwelling, On-Site Security accessory use definition in Section 2.2 (37.11) (*Ordinance 18-001*)

B. Uses Permitted as Special Exceptions: In the Industrial I-1 District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article XI, Section 11.4, C.

1. Convenience sales.
2. Planned developments as regulated in Article IX, Section 9.4.

C. Uses Prohibited: Uses not specifically permitted, permitted by implication, or uses permitted as a special exception.

D. Lot Area, Lot Width, Yards, and Building Area: The principal structure or structures shall be located to comply with the following requirements.

1. Lot Area, Lot Width, Rear and Side Yards: Individual building sites shall be of such size that the structures involved will have architectural unity and flexibility in arrangements and that all space requirements set forth herein are met.

Minimum Lot area	None
Minimum Lot Width	75 feet
Minimum Side Yard	20 feet
Minimum Rear Yard	30 feet

2. Front Yards: All principal and accessory structures shall be setback from the right-of-way lines of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal thoroughfare plan:

Arterial Streets	50 feet
Collector & Connector Streets	50 feet
Minor Streets	50 feet

3. Building Area: On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

E. Height: Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height.

F. Location of Accessory Structures:(*Ordinance 18-001*)

1. Accessory structures and uses shall be in compliance with the regulations set forth in Article III, Section 3.9.

2. With the exception of signs, accessory structures shall not be erected in any required front yard.

G. Parking Requirements: As regulated in Article IX, Section 9.1, A.

H. Other Provisions:

1. On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification. The minimum yards adjoining a residential district conform to the respective yard requirements for the residential district.
2. All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage, and other accessory uses listed herein which by their nature must necessarily exist outside a building.

ARTICLE VIII

MUNICIPAL FLOODPLAIN ZONING ORDINANCE AND PROVISIONS GOVERNING FLOODWAY AND FLOODWAY FRINGE DISTRICTS

(ORDINANCE 07-001)

SECTION

- 8.1 Statutory Authorization, Findings of Fact, Purpose, and Objectives
- 8.2 Definitions
- 8.3 General Provisions
- 8.4 Administration
- 8.5 Provisions for Flood Hazard Reduction
- 8.6 Variance Procedures
- 8.7 Legal Status Provisions

8.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization: The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Wartrace Board of Mayor and Aldermen, does ordain as follows:

B. Findings of Fact

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

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

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

D. Objectives: The objectives of this Article are:

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

8.2 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.

1. "**Accessory Structure**" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
 - a. Accessory structures shall not be used for human habitation.
 - b. Accessory structures shall be designed to have low flood damage potential.
 - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
2. **"Act"** means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
 3. **"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"**.
 4. **"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.
 5. **"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)
 6. **"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.
 7. **"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE or A99.
 8. **"Base Flood"** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
 9. **"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.
 10. **"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.

11. **"Building"**, means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)
12. **"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.
13. **"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.
14. **"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.
15. **"Erosion"** means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.
16. **"Exception"** means 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.
17. **"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or article adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).
18. **"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).

19. **"Existing Structures"** see **"Existing Construction."**
20. **"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).
21. **"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
22. **"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 (1) percent or greater chance of occurrence in any given year.
23. **"Flood Elevation Study"** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.
24. **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.
25. **"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.
26. **"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.
27. **"Floodplain" or "Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"flood" or "flooding"**).
28. **"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

29. **"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
30. **"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.
31. **"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.
32. **"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.
33. **"Flood-Related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.
34. **"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.
35. **"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.
36. **"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.

37. **"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.
38. **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
39. **"Historic Structure"** means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior.
40. **"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.
41. **"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.
42. **"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.

43. **"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"** unless such transportable structures are placed on a site for one hundred-eighty (180) consecutive days or longer.
44. **"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.
45. **"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
46. **"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 (BFE) shown on a community's Flood Insurance Rate Map are referenced.
47. **"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
48. **"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 ordinance and includes any subsequent improvements to such structure.
49. **"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 ordinance and includes any subsequent improvements to such structure.
50. **"North American Vertical Datum (NAVD)"** as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.
51. **"100-Year Flood"** see **"Base Flood."**
52. **"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

53. **"Recreational Vehicle"** means a vehicle which is:
- a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
54. **"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.
55. **"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
56. **"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.
57. **"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
58. **"State Coordinating Agency"** The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

59. **"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.
60. **"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
61. **"Substantial Improvement"** means any repairs, reconstruction's, rehabilitation's, additions, alterations, or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty 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."
62. **"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
63. **"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.
64. **"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.

65. **"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.

8.3 GENERAL PROVISIONS

- A. Application: This Article shall apply to all areas within the incorporated area of Wartrace, Tennessee.
- B. Basis for Establishing the Areas of Special Flood Hazard: The Areas of Special Flood Hazard identified on the Wartrace, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 47003C0225E, dated August 2, 2007, 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 governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
- G. Warning and Disclaimer of Liability: The degree of flood protection required by this 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 Town of Wartrace, 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 Town of Wartrace, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

8.4 ADMINISTRATION

A. Designation of Ordinance Administrator: The Building Inspector 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 floodproofed 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 floodproofed building will meet the floodproofing criteria in Section 8.4, B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage: Within unnumbered A Zones, where flood elevation data 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.

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.

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.

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 Section 8.4, 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 floodproofed, in accordance with Section 8.4, B.

7. When floodproofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 8.4, 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.
10. 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 Section 8.2, of this Article). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 8.4, B.
11. 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.

8.5 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 one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 8.5, 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 Section 8.2, of this Article). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 8.4, 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 one (1) foot 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 Section 8.2, of this Article). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 8.4, B.

Buildings located in all A-Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 8.4, B.

3. **Elevated Building.** All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - A. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above the finish grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - B. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - C. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 8.5, 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:
 - 1. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (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 Section 8.5, B, 4, 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:
 - 1. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred-eighty (180) consecutive days.

5. Standards for Subdivisions: Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated: Located within the Areas of Special Flood Hazard established in Section 8.3, B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- 2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 8.5.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated: Located within the Areas of Special Flood Hazard established in Section 8.3, 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 floodproofed to elevations established in accordance with Section 8.5, B.

E. Standards for Streams Without Established Base Flood Elevations or Floodways (A Zones): Located within the Areas of Special Flood Hazard established in Section 8.3, 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 Section 8.3, then the Administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 8.5. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, 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 Section 8.5, B, **and** "Elevated Buildings."

F. Standards for Areas of Shallow Flooding (AO and AH Zones): Located within the Areas of Special Flood Hazard established in Section 8.3, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot 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 Section 8.5, B, and "Elevated Buildings."
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary

facilities must be flood proofed and designed watertight to be completely floodproofed to at least one (1) foot 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 floodproofed 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 Section 8.4, B.

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

G. Standards for Areas Protected by Flood Protection System (A-99 Zones): Located within the areas of special flood hazard established in Section 8.3, 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 Section 8.4 and Section 8.5, A, shall apply.

H. Standards for Unmapped Streams: Located within Wartrace, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (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 Section 8.4.

8.6 VARIANCE PROCEDURES: The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Wartrace, Tennessee.

A. Board of Zoning Appeals

1. The Wartrace 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 Zoning Appeals 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.

8.7 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 Ordinance of Wartrace, 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.

ARTICLE IX
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION

- 9.1 Public Use Districts** (*Ordinance 13-002*)
- 9.2 Off-Street Parking and Loading and Unloading Requirements**
- 9.3 Development Standards for Multi-Family Dwellings**
- 9.4 Development Standards for Mobile Home Parks**
- 9.5 Planned Development Regulations**
- 9.6 Sign Regulations**

9.1 PUBLIC USE DISTRICTS (PUB)

Intent: To provide for public and semi-public zoning district in the City that provides appropriate locations for parks, open space, public service uses and transportation facilities. The district provides locations in the City for necessary public services and locations for recreation and community gathering in close proximity to neighborhood residential.

Parks and open space, off-street parking, institutional uses, and offices for governmental uses primarily characterize this district. Both active and passive recreational facilities are permitted. Appropriate locations for this district are based upon areas purchased by the city or land donated by local citizens. Within Public Use (PUB) Districts, as shown on the Municipal Zoning map, the following regulations shall apply:

- A. Uses Permitted: In the Public Use PUB District (General), the following uses and their accessory uses are permitted:
 - 1. Public/Quasi Public Uses:
 - a. Open space
 - b. Wetlands
 - c. Woodlands
 - d. Trails
 - e. Playgrounds/Playfields
 - f. Community Centers
 - g. Community Garden
 - h. Golf Courses
 - i. Libraries and Museums
 - j. Parks and Public Plazas
 - k. Theaters and Auditoriums
 - l. Parking Area, Community

m. Transportation Facilities

B. Special Exceptions: Cemeteries and Mausoleums

C. Uses Prohibited: Any use not permitted by right, by accessory use or as a special exception as defined above is strictly prohibited.

D. Lot Area, Lot Width, Yards and Building Area: The principal structure or structures shall be located to comply with the following requirements.

1. Lot Area, Lot Width, Rear and Side Yards

Minimum Lot Area	10,000 sq. feet
Minimum Lot Width	75 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet

2. Front Yards: All principal and accessory structures shall be setback from the right-of-way lines of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal thoroughfare plan:

Arterial Streets	40 feet
Collector & Connector	40 feet
Minor Streets	40 feet

3. Building Area: On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed seventy-five (75) percent of the total area.

E. Height: Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height.

F. Location of Accessory Structures: With the exception of signs, accessory structures shall not be erected in any required front yard.

G. Parking Requirements: As regulated in Article IX, Section 9.1, A.

H. Other Provisions:

1. On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification.

2. The minimum yards adjoining a residential district conform to the respective yard requirements for the residential district.

9.2 OFF-STREET PARKING AND LOADING AND UNLOADING REQUIREMENTS

- A. Off-street automobile storage and standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:
1. Single Detached Dwelling, Duplex, and Mobile Homes: Not less than two spaces for each dwelling unit.
 2. Apartment Dwelling: Not less than one and one-half (1 ½) spaces per dwelling unit.
 3. Boarding Houses and Rooming Houses: Not less than one (1) space for each one (1) room to be rented.
 4. Townhouses and Condominium: Not less than two (2) spaces per dwelling unit.
 5. Other Dwelling Units: Not less than two (2) spaces per dwelling unit.
 6. Hotels, Motels, and Other Tourist Accommodations: Not less than one (1) space for each room to be rented plus (1) additional space for each two employees.
 7. Any Auditorium, Church, Stadium, or Other Place of Public Assembly: Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
 8. Manufacturing, Industrial, or Wholesaling Uses: Not less than one (1) space for each five (5) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
 9. Office and Professional Buildings: Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first hundred (500) square feet of floor space (or fraction thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection.
 10. Retail Sales and Service Establishments: Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space.
 11. Medical or Dental Clinic: Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.

12. Service Stations: Not less than five (5) spaces for grease rack or service bay, or one (1) space for each 1,400 square feet of lot area or fraction thereof, whichever is greater.
 13. Restaurants: Not less than one (1) space per hundred fifty (150) square feet of floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
 14. Other: For building and uses not listed, the off-street parking requirement shall be determined by the Board of Zoning Appeals based upon the recommendations of the Planning Commission.
- B. Certification of Minimum Parking Requirements: Each application for a building permit shall include information as the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are met.
- C. Combination of Required Parking Space: The required parking space for any number of separate uses maybe combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
- D. Off-site Parking Space: If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use and is not otherwise prohibited. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.
- E. Extension of Parking Space into a Residential District: Required parking space may be extended one (100) foot into a residential district provided that:
1. The parking space adjoins a commercial or industrial district.
 2. The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
 3. The parking space is separate from abutting properties in the residential districts by a buffer strip.
- F. Requirements for Design of Parking Lots
1. Except for parcels of land devoted to one-and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

2. Each parking space shall be no smaller than 9 feet x 18 feet.
3. Entrances and exists for all off-street parking lots shall comply with the requirements of Article III, Section 3.8, of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnating pools of water.

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

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

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

9.3 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS

A. Purpose: The special provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Article XI, Section 11.3, B. Provided, however, that in any instance where this use is located within a density-controlled development or a planned unit development this requirement may be fulfilled by submission of the plans required by these sections.

B. Design Criteria: The design criteria appearing below apply to all multi-family developments.

2. General: It is the intent that multi-family dwellings where they are permitted:
 - a. May be appropriately intermingled with other types of housing;
 - b. Shall not form long, unbroken lines of row housing; and
 - c. Shall constitute grouping making efficient, economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

3. Detailed
 1. The spacing of all buildings contained in multi-family dwellings shall be as set forth in Section 3.11, of Article III.
 2. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
 3. Street sidewalks on sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
 4. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
 5. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
 6. Attractive outdoor siting areas shall be provided, appropriate in size, type, and number to the needs of the resident.
 7. Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
 8. All public streets located within any multi-family development shall meet the construction specifications set forth in the Wartrace Subdivision Regulations.
 9. The Planning Commission shall act to ensure that any private drives, parking areas, or other vehicular way used for common access for two or more residents will be suitably paved and maintained as a condition of approval of the project.

C. Access

1. Access to Each Dwelling: Each multi-family dwelling shall meet the requirements set forth in Section 3.13, of Article III.

2. Service Access
3. Pedestrian Access: Pedestrian access shall be provided at the rear or the side of each multi-family dwelling.

D. Parking: Parking shall be provided in accordance with Section 9.1, of this Article.

1. Off-Street Parking: Off-street parking may be grouped in bays, either adjacent to streets or in the interior of the blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained, and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.

9.4 **DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**: This section is intended to provide a maximum flexibility in design and to insure a minimum standard of site development for mobile home parks. Mobile home parks involving more than three dwelling per acre area are medium to high density residential use much like apartments and require public or private sanitary sewerage. It is intended that mobile home parks be located so as to have direct access to major streets.

A. Procedure for Approval: A permit for a mobile home park shall be issued by the town Building Inspector only as authorized the Wartrace Board of Zoning Appeals. The Board shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the Board determines that the proposed location meets the intent of this ordinance and that the indicated development standards in Subsections C and D, will be followed.

1. Information Required

- a. Name and address of applicant.
- b. Location and legal description of the proposed mobile home park.
- c. General Location Sketch Map at a scale not smaller than 1" = 2,000', showing the approximate boundaries of the site, external (public) access streets or roads in relations to the site, surrounding development (i.e., general residential, commercial, and industrial areas) within one mile of site, and any public water and sewer systems in relation to site.
- d. Site Plan drawn to a scale no smaller than 1" = 200', showing:
 - a) Topographic contours at five (5) foot intervals and drainage ways.

- b) The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces.
- c) Points of access to public streets.
- d) The location and size of available water and sewer lines.
- e) The location and dimensions of any easements.
- f) The location and details of lighting and electrical systems.

2. Review Procedure

- a. Preliminary Review. Three copies of the proposal containing the information required above shall be submitted to the Wartrace Board of Zoning Appeals at least fifteen (15) days in advance, for preliminary review. The Board shall refer the proposal to the Wartrace Planning Commission for its approval. In the event of disapproval by the Planning Commission, the review process by the Board of Zoning Appeals shall cease until such time as Planning Commission approval is obtained.
- b. Final Review. After preliminary approval of the complete proposal the Board shall schedule a final review at public hearing. Public notice shall be published in a newspaper of general circulation in Wartrace at least ten (10) days in advance of the hearing date.

B. Inspection Fee: An inspection fee shall be required for approval for a mobile home park which shall be paid upon submission of a plan for approval.

- 1. Inspection Fee Amount: The inspection fee shall be \$10.00 per annum plus \$2.00 per space. The Fee is nonrefundable.
- 2. Renewal of Inspection Fee: The inspection fee shall be renewed annually upon the inspection of the mobile home park by the Building Inspector and upon the mobile home park meeting the standards applicable in Subsection E, of this section.

C. Required Development Standards. The following shall apply:

- 1. The maximum number of dwelling units per acre of the total site shall not exceed eight (8).
- 2. Location:
 - a. The site shall comprise a single lot or tract of land, except where divided by public streets.
 - b. The site shall abut a public street.
 - c. Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.

3. Dimensions:

- a. The minimum front yard on a public arterial street shall be fifty (50) feet.
- b. The minimum front yard on a public collector or connector street shall be thirty-five (35) feet.
- c. The minimum front yard on a public minor residential street shall be thirty (30) feet.

4. Design:

Internal Streets

- a. The minimum right-of-way width of collector streets exceeding five hundred (500) feet in length or serving more than fifty (50) dwelling units, shall be sixty (60) feet.
- b. The minimum right-of-way width of minor streets shall be fifty (50) feet.
- c. The maximum grade on any street shall be ten (10) percent.
- d. Where feasible, all street intersections shall be at right angles.

Public Street Access

- a. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
- b. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

Mobile Home Spacing

- a. The minimum length of each mobile home space shall be one hundred (100) feet.
- b. The minimum width of each mobile home space shall be fifty (50) feet.
- c. The minimum depth of yards on a mobile home space shall be ten (10) feet.

D. Required Improvements. The following shall be required:

1. Internal Streets:

- a. Streets shall be privately constructed and maintained; or if constructed in accordance with town specifications, they may be dedicated whereupon the town will assume maintenance.
- b. The base of streets shall consist of crushed stone or gravel, six (6) inches in depth, compacted.
- c. The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.
- d. The minimum pavement width of collector streets shall be twenty-four (24) feet with no on-street parking.
- e. The minimum pavement width of minor streets shall be twenty (20) feet with no on-street parking.

- f. Closed ends of dead-end streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.
 - g. On-street parallel parking is permissible, provided an additional eight (8) feet of pavement width is constructed for each parking lane.
 - h. All park streets shall be lighted at night with electric lamps to meet current town street lighting policies.
2. Walkways
- a. A common walk system shall be provided and maintained between mobile home spaces and the park drive, and from the drive to all service buildings.
 - b. All common walks shall have a minimum width of three and one-half (3 1/2) feet.
 - c. All common walkways shall remain lighted at night with electric lamps.
3. Mobile Home Stands
- a. Mobile home stands shall be of concrete and shall have sufficient area to accommodate appurtenances, such as canopies, patios, and porches.
 - b. Each mobile home stand shall be equipped with a minimum of two adequate anchor pins of such type as may be required to securely anchor a mobile home against a windstorm, frost action weight, inadequate drainage, vibration, or other forces acting on the structure.
4. Utilities*
- a. The mobile home park shall be serviced with public or package sanitary sewerage and water on trunk lines not less than eight (8) inches and six (6) inches, respectively. Septic sewage disposal shall be permitted only on mobile home spaces of 20,000 square feet or more.
 - b. Each mobile home space shall be provided with an electrical outlet supplying at least 110 volts.
5. Storage of Waste*
- a. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements and shall be screened from view.
6. Insect and Rodent Control*
- a. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitos, and other pests.
7. Fire Protection*
- a. Parks shall be kept free of litter and other flammable materials.

- b. Each park shall be equipped at all times with fire hydrants in good working order and located within the park so as to satisfy applicable reasonable regulations of the Fire Department.

8. Service Building

- a. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
- b. There shall be at least twenty-five (25) feet separating permanent buildings on the site from any mobile home space.
- c. The service buildings shall be well lighted at all times of the day and night.
- d. The buildings shall be well ventilated with screened openings.
- e. The buildings shall be constructed of such moisture proof material, including pointed woodwork, as shall permit repeated cleaning and washings. The floors shall be of water impervious material.
- f. The buildings shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1.
- g. All service buildings shall be maintained in a clean, sightly condition and kept free of any condition that menace the health of any occupant or the public or constitute a nuisance.

9. Automobile Storage

- a. Parking spaces shall be provided at the rate of at least one and one-half (1 1/2) spaces for each mobile home lot.

10. Required Recreation Areas

- a. In all mobile home parks, there shall be one or more recreation areas which shall be easily accessible to all park residents.
- b. The size of such recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No outdoor recreation areas shall contain less than 4,000 square feet.
- c. Recreation areas shall be so located as to be free of traffic hazards and where the topography permits, in a central location.

11. Garbage Receptacles*

- a. Metal garbage cans with tight fitting covers shall be provided in quantities of two (2) per mobile home and located not farther than three (3) feet from any mobile home space.
- b. Waste disposal receptacles shall be provided shall be provided as adequately needed throughout the mobile home park.

- c. Such receptacle shall be located not closer than twenty-five (25) feet from any one mobile home.
- d. Such receptacles shall be screened behind natural foliage at a height not less than six (6) feet.

12. Landscape Treatment

- a. Landscape treatment appropriate for use and location shall be required to the extent needed to provide a suitable setting for mobile homes and other facilities within the park.
- b. Natural foliage screening is to be installed at a height not less than six (6) feet in relation to potentially undesirable views such as laundry yards, refuse collection points, and non-residential uses.
- c. Fences or free-standing walls shall be substantially constructed to withstand conditions of soils, weather, and use.
- d. Flora shall be hardy and planted so as to thrive with normal maintenance.

13. Responsibilities of Park Management

- a. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- b. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- c. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.
- d. The permittee shall maintain a register containing the following information:
 - 1. The name and address of each mobile home occupant;
 - 2. The name and address of the owner of each mobile home and motor vehicle by which it was towed;
 - 3. The make, model, year, and license number of each mobile home and motor vehicle;
 - 4. The date of arrival and departure of each mobile home.
 - 5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
 - 6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
 - 7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of Section 9.3, of this article.

14. Responsibilities of Park Occupants

- a. The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair, and in a clean sanitary condition.
- b. The park occupant shall be responsible for proper placement of his/her mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instructions of the park management.
- c. Skirting, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath the mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 1. The storage area shall be provided with a base of impervious material.
 2. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 3. The storage area shall be enclosed by skirting.
- d. The park occupant shall store and dispose of all his/her rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodentproof, insect proof, and watertight.
- e. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
- f. All park occupants shall be required to register their pets (dogs and cats) with the park management.
- g. All park occupants shall be required to have their pets (dogs and cats) on a leash and not be allowed to roam free and unleashed.
- h. Park occupants shall not be allowed to construct or place pens for animals on the park premises.

E. Inspections

1. The Town Building Inspector is hereby authorized and directed to make semi-annually inspections to determine the condition of mobile home parks, in order that he or she may perform his or her duties of safeguarding the health and safety of occupants of mobile home parks and of the general public.

2. The Town Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the semi-annual inspection as it relates to the enforcement of Section 9.3, of this article.

F. Retroactive Regulations

1. Within one (1) year from the effective date of this ordinance any existing mobile home park located within the Wartrace corporate limits shall comply with those sections of this ordinance marked with an asterick (*) and listed below. Any provision that is not feasible to comply with shall be so noted in written statement to the Town Building Inspector. Such statement shall specifically address itself to reasons by which this ordinance cannot be complied with and shall be accompanied with any supporting information and data which the Town Building Inspector shall request.
2. Upon annexation of any territory into the corporate limits of Wartrace, any existing mobile home park shall within one year from the effective date of the annexation ordinance, be brought to comply with the retroactive provisions of this ordinance. Any provision which cannot feasibly be complied with shall be so noted in a written statement to the Town Building Inspector. Such statement shall specifically address itself to reasons why this ordinance cannot be complied with and shall be accompanied with supporting information and data which the Town Building Inspector shall request.
3. Retroactive provisions are as follows: a) 9.3, D, 4; b) 9.3, D, 5; c) 9.3, D, 6; d) 9.3, D, 7; e) 9.3, D, 11.

G. Penalties

1. Any person violating any provision of Section 9.3, of this article, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
2. Each day that a violation is permitted to exist shall constitute a separate offense.
3. Any extension of an existing mobile home park is considered a nonconforming use and is hereby prohibited unless said park is brought up to the standards herein stated.

H. Revocation of Permit: The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provision of Section 9.3, of this article. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with Section 9.3, of this article.

I. Miscellaneous Requirements: No inoperative automobiles, junk, or noncontained trash shall be allowed with the park.

9.5 PLANNED DEVELOPMENT REGULATIONS

Intent: The purpose and intent of this section is to encourage the total planning of relatively large tracts of land consistent with the long range general comprehensive plan of the Town, encourage innovations in design and application of sound design principles, provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis, provide a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and developing areas of physiographic or other physical features to enhance natural beauty and other attributes. This section shall only be used for planned developments upon determination by the Board of Zoning Appeals that the proposed development is in harmony with the purpose and intent as stipulated. Planned developments are permitted only as special exceptions after review by the Board.

A. General Provisions: The following general provisions apply to all planned developments.

1. Ownership and Division of Land: No tract of land may be considered for or approved as a planned development unless the tract is under single ownership. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a planned development, the landowner of an adopted planned development may divide and transfer parts of such development. The transferee shall complete conformance with the adopted final master development plan.
2. Relationship to Subdivision Regulations: The uniqueness of each proposal for a planned development may require that there be a modification from the specifications established in the subdivision regulations upon adoption by the Wartrace Municipal Planning Commission. Modification may be incorporated only with the approval of the Planning Commission.
3. Common Open Space
 - a. The location, shape, size, and character of the common open space shall be reviewed in detail.
 - b. Common open space must be used for amenity or recreational purposes. The use authorized for the common open space must be appropriated to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
 - c. Common open space must be suitably improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and

- must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- d. The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins, or which is within close proximity to the perimeter of the planned development.
 - e. All land shown on the final development plan as common open space, when not retained by the developer, must be conveyed under one of the following options:
 - 1) It may be conveyed to a public agency which will agree to maintain the common open space and any building, structure, or improvement which have been placed on it.
 - 2) It may be conveyed to a trustee(s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustee(s) subject to the approval of the Board of Zoning Appeals which will result in the restriction of the common open space to the uses specified on the final development plan, and which will provide for the maintenance of the common open space in a manner which assures its intended purpose.
 - f. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use authorized may be considered as a waiver of any of the covenants limiting rights of enforcement.
 - g. The developer or any organization established for the ownership and maintenance of any common open space shall not dispose of any common open space by sale or otherwise (except to an organization established to own and maintain the common open space) without first offering to dedicate the same to the Town. Said dedication must be approved by the Board of Zoning Appeals and accepted by the Wartrace Board of Mayor and Aldermen.
 - h. In the event that the developer or the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master development plan, the Building Inspector may serve written notice upon such organization and/or owners or residents of the planned development. If deficiencies or maintenance are not corrected after thirty (30) days, the Building Inspector shall call upon any public or private agency to maintain the common open space. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have right of enjoyment of the common open space and shall become a lien on said properties.
 - i. If the common open space is deeded to a Home Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be

submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

- 1) The Homeowners' Association must be set up before the homes are sold.
- 2) The membership must be mandatory for each home buyer and any successive buyer.
- 3) The open space restrictions must be in perpetuity.
- 4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- 5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- 6) The association must be able to adjust the assessment to meet the changed needs.

4. Dedication of Public Facilities: The Wartrace Planning Commission and Board of Mayor and Aldermen may, as a condition of the approval and adoption and in accordance with 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 be dedicated for public use.

B. Minimum Size: The minimum size of a planned development shall be two (2) acres in all districts.

C. Types of Planned Development: Planned developments shall consist of two (2) types. They are as follows:

1. Single Purpose Planned Development: A single purpose planned development is one which shall consist primarily of one (1) principal use or activity. The principal use or activity may be either residential, commercial, or industrial in nature and is housed in two (2) or more buildings.
2. Mixed Purpose Planned Development: A mixed purpose planned development is one which shall consist primarily of two (2) principal uses or activities. The principal uses or activities may be either residential and commercial or industrial and commercial in nature and housed in two (2) or more buildings.

D. Permitted Activities and Uses: Any activity or use that is allowed in the zoning district where the planned development is located shall be permitted as part of that planned development. The following uses, which are not permitted in the district where the planned development is located, may, however, be permitted by the Board of Zoning Appeals provided such uses are desirable or convenient for the users of the planned development as it is developed or the

immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

Use or Activity	District			
	1	2	2	2
Single-family detached	X	X	X	
Single-family attached	X	X	X	
Two-family	X	X	X	
Multi-family	X	X	X	
Convenience Sales	X	X	X	X
Convenience Services	X	X	X	X
Financial, Consultative, Administrative	X	X	X	X
Restaurants, excluding Drive-In	X	X	X	X
Medical Services	X	X	X	X
Common Open Space, Public or Private	X	X	X	X
Recreation and Group Assembly Facilities	X	X	X	X

- E. Limitations on Commercial Activities in Planned Developments: The commercial activities allowed in a mixed purpose planned development located in a residential district shall be permitted provided that such activities shall not exceed in the aggregate more than five (5) percent of the total floor area in such development and provided further that the maximum floor area devoted to such activities by any single establishment shall be 3,000 square feet.
- F. Obstructions, Height Regulations, Accessory Structures, Customary Home Occupations, Off-Street Parking and Sign Control: All structures and facilities within a planned development shall conform to the requirements governing these items as specified in the regulation pertaining to the appropriate district within which it is located.
- G. Overall Densities for Residential Activities in Planned Developments: The maximum overall densities for residential activities shall be in terms of the number of dwelling units per gross acre of all area within a development, as provided herein.
1. Maximum density for any residential component shall not exceed the maximum residential density permitted in the zone district where the planned development is located except as provided below. For planned developments proposed in zone districts that do not have established residential densities, the maximum density for any residential component shall not exceed the highest residential density by type permitted in the Town.

2. Density increases over and above the permitted zone district maximum density may be granted by the Board of Zoning Appeals and shall be governed by the precepts listed below, which are to be treated as additive, and not compounded.
 - a. For mixed residential types, a maximum increase of twenty (20) percent.
 - b. For mixed purpose planned development, a maximum increase of sixteen (16) percent.
 - c. For underground utilities, a maximum increase of ten (10) percent.
 - d. For improved common open space, a maximum increase of sixteen (16) percent.
 - e. For unimproved common open space, a maximum increase of twelve (12) percent.
 - f. For preservation of natural, historic, or archaeological features, a maximum of sixteen (16) percent.
 - g. For every additional acre above the minimum area size requirement for planned development, two (2) percent increase to a maximum of ten (10) percent.
3. Reductions in the permitted zone district maximum density may be required by the Board of Zoning Appeals if it is determined that such reduction is warranted by the following conditions:
 - a. Inconvenient or unsafe access of the planned development.
 - b. Traffic congestion for street adjoining the development.
 - c. An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

H. Minimum Lot Area and Frontage Requirements Within a Planned Development: No minimum lot size or yards shall be required within a planned development, except that frontage yard requirements in accordance with the zoning classification where the development is located, and peripheral yards abutting the exterior limits of the planned development boundary (except for boundaries delineated in or by water) shall observe yard requirements in accordance with the zoning classification in which the development is located. Every dwelling unit or other permitted use in the planned development shall have access to a public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road and street.

I. Building Spacing: The minimum spacing between buildings shall be as established in Article III, Section 3.11.

J. Perimeter Requirements: If topographical or other barriers to not provide adequate privacy for existing uses adjacent to the planned development, the Planning Commission or the Board of Zoning Appeals may impose either of the following requirements:

1. Structures located on the perimeter of the planned development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable.
2. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. Such screening should be suitably landscaped with grass and/or ground cover, shrubs, and trees.

K. Administrative Procedure

1. Outline Development Plan

- A. The developer shall make a request to construct a planned development within one of the allowable districts to the Building Inspector who shall refer same to the Planning Commission for approval and recommendation. At his/her option, the developer may accompany his/her request with an outline development plan specified in this section. If no outline development plan is filed with the request, the developer shall submit a preliminary development plan as outlined in the following section.
- B. An outline development plan consists of both maps and written statement.
 - 1) The maps may be in a general schematic form, but must contain the following information:
 - a. The existing topographic character of the land.
 - b. Existing and proposed land uses and the approximate density of the existing dwellings.
 - c. The approximate location of any road shown on the major thorough-fare plan.
 - d. Public uses, including schools, parks, play areas, and other open spaces, both existing and proposed.
 - 2) The written statement to accompany the outline development plan must contain the following information:
 - a. A statement of the present ownership of all the land included with the proposed development.
 - b. A general indication of the expected schedule of the development.
 - c. Within thirty (30) days after approval of the outline plan, the Building Inspector shall forward the plan to the Board of Zoning Appeals with a written report recommending that the plan be approved, approved with modifications, or disapproved, giving reasons for these recommendations.
 - d. The Board of Zoning Appeals will act on the recommendation by the staff and the procedure specified for special exceptions in Article XI, Section 11.6, of this ordinance, shall be followed. However, no building permits will be issued on land within the planned development until final plans for the development have been reviewed and approval granted by the Planning Commission and the Board of Zoning Appeals.

2. Preliminary Development Plan

- A. If an outline development plan has been submitted and approved, the Board shall review the submission of a preliminary development plan in states or as a whole. If a preliminary development plan has not been submitted within three (3) months following the approval of the outline development plan, the Board may withdraw its approval of the planned development. In its discretion and for good cause, the Board may extend for three (3) months the period for the filing of the preliminary development plan. Prior to action by the Board, the plan must first receive the approval of the Planning Commission.
- B. The preliminary development plan must include all of the following information:
- 1) A map showing street systems, lot lines, lot designs, and existing topographic characteristics.
 - 2) Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public, and semi-public uses.
 - 3) A Site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements, and indicating the open spaces around buildings and structures.
 - 4) Elevation and perspective drawings of all proposed structures and improvements. The drawings need not be the results of final architectural decisions and need not be in detail.
 - 5) A development schedule indicating:
 - a. the approximate date when construction of the project can be expected to begin;
 - b. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - c. the anticipated rate of development;
 - d. the approximate dates when the development of each of the stages in the development will be completed; and
 - e. the area and location of common open space that will be provided at each stage.
 - 6) An off-street parking and loading plan.
 - 7) An estimate of population and density and extent of activities to be allocated to parts of the project.
 - 8) The general means of the disposition of sanitary waste and storm water.
 - 9) A tabulation of the land area to be devoted to various uses and activities and overall densities.
 - 10) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open areas.

11) The following plans and diagrams, insofar as the Board of Zoning Appeals finds that the planned development creates special problems of traffic, parking, landscaping, or economic feasibility:

- a. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and, to and from existing and proposed thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.
- b. A landscaping and tree planting plan.
- c. An economic feasibility report or market analysis.

12) If no outline development plan has been filed, the preliminary plan must contain the information required by Subsection 1, a, and b, and must include enough of the area surrounding the proposed planned development to show the relationship of the planned development to adjacent uses.

C. The Board of Zoning Appeals shall review the preliminary development plan and recommend its approval if it complies with the intent of this planned development section and contains all the information as specified in Subsection 2, b.

3. Final Development Plan

- A. Within three (3) months following the approval of the preliminary development plan, the developer shall file with the Board a final plan containing in final form the information previously required in granting preliminary approval. In its discretion, and for good cause, the Board may extend for three (3) months the period for the filing of the final development plan.
- B. The Board shall review the final development, and, if it is in substantial compliance with the preliminary development plan, shall recommend approval.
- C. The Building Inspector shall issue building permits for building and structure in the area covered by the approved final development plan if they are in conformity with the approved final development plan and with all other applicable regulations. He shall issue a certificate of occupancy for the completed building or structure located in an area covered by the approved final development plan if the complete building or structure conforms to the requirements of the approved final development plan and all other applicable regulations.

4. Subdivision Regulations: Before application for final approval is made to the Board, application shall be made to the Planning Commission for approval of a subdivision plat drawn in accordance with the subdivision regulations. The preliminary development plan

approved by the Planning Commission and Board of Zoning Appeals may form the sole basis for granting variances with respect to the subdivision regulations.

5. Changes to Final Development Plan

- A. No changes may be made in the approved final plan during the construction, except as specified:
 - 1) Minor changes in the location, setting, and height of buildings and structures may be authorized by the Board of Zoning Appeals if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.
 - 2) All other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open spaces, or any other desired changes in the approved final plan must be submitted to the Board which will make its recommendation for approval or disapproval. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or be changes in the development policy of the Town.
- B. Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.
- C. If no construction has begun or no use has been established in the development within one (1) year after approval of the final development plan, the final development plan will lapse and be of no further effect.

6. Control of Planned Development Following Completion

- A. Upon completion of all the work within the development, the Board of Zoning Appeals shall issue a certificate of completion. The Secretary of the Board shall note the issuance of the certificate on the recorded final development plan.
- B. After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of these regulations.
- C. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the Board under the procedures provided below:
 - 1) Any minor extensions, alterations, or modifications of existing building or structures may be authorized by the Board of Zoning Appeals if they are consistent with the purposes and intent of the final plan. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.
 - 2) Any uses not authorized by the approved final plan, but allowable in the planned development as a permitted use under the provisions of this regulation or permitted

as a special exception in the zone which the planned development is located, may be added to the final development plan upon approval by the Board of Zoning Appeals.

- 3) A building or structure that is totally or substantially destroyed may be reconstructed but only in compliance with the final development plan unless an amendment to the final development plan is approved under one of the two procedures specified above.
- 4) Changes in the use of common open space may be authorized by an amendment to the final development plan under one of the two procedures specified above.
- 5) All other changes in the final development plan must be made by the Board of Zoning Appeals under the procedures authorized by this regulation. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in the development policy of the Town.

D. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned developments, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

7. Subdivision and Resale of the Planned Development: A planned development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been issued.

9.6 SIGN REGULATIONS

Intent: These conditions are established as a reasonable and impartial method of regulating advertising structures in order to ensure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for accessory signs, advertising signs, and other advertising structures are enumerated below:

- A. In any zoning district, the following general regulations apply as well as the regulations in Chapter 23, "Signs and Outdoor Display," of the Southern Standard Building Code:
 - 1) No sign shall be erected or maintained whereby reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or emergency vehicle.
 - 2) No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

- 3) No advertising or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No advertising sign shall exceed fifty (50) feet in length.
- 4) Advertising signs shall be erected or placed in conformity with side, front, and rear yard requirements of the district in which they are located. However, no advertising sign shall be erected or placed closer than within one hundred (100) feet of any residential district.
- 5) On the premises outdoor advertising and accessory signs, including flashing or intermittent illumination shall not intrude upon the public right-of-way.
- 6) Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
- 7) Signs for home occupations shall not exceed four (4) square feet in area in the residential districts.
- 8) Temporary signs and posters are subject to the following regulations:
 - a. Each sign shall not exceed five (5) square feet in area, excluding banners.
 - b. The signs shall not be located closer together than five hundred (500) feet.
 - c. Such signs shall not be nailed to trees, fence posts, or public utility poles and shall not be located in the public right-of-way, excluding banners.
 - d. All such signs advertising events shall be removed within ten (10) days after the event date.
- 9) In any district, the following signs shall be permitted:
 - a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
 - b. Nonilluminated small realty signs not exceeding six (6) square feet in area.
 - c. One (1) development sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building.
 - d. Civic signs established by, or by order of, any governmental agency.
 - e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
 - f. Flags or emblems of political, civic, philanthropic, educational, or religious organizations.
 - g. Small unilluminated signs, not exceeding one and one-half (1 1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances, and the like.

B. In the R-1 and R-2 Residential Districts, the following regulations shall apply:

- 1) Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

- 2) For multi-family dwellings and mobile home parks, signs not exceeding twenty (20) square feet in area are permitted.
- 3) Church, school, or public building bulletin boards or civic signs, not exceeding twenty (20) square feet in area are permitted.
- 4) Flashing or intermittent illumination is prohibited.
- 5) Advertising signs and structures are prohibited.

C. In the C-1 Commercial District, the following regulations shall apply:

- 1) Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.
- 2) Accessory business signs shall be permitted subject to the restrictions in Section 9.5, A, of this article. All ground signs shall be located within the property line.
- 3) For other permitted uses, one accessory business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street, will be permitted. Such sign shall be related directly to the activity conducted on said premises.
- 4) Advertising signs and structures are permitted, subject to the general restrictions set forth in Section 9.5, A. No such sign shall exceed six hundred-seventy-five (675) square feet in size nor fifty (50) feet in height.

D. In the I-1, Industrial District, the following regulations shall apply:

- 1) Accessory business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines and meet the size requirement Section 9.5, C, 3, above.
- 2) Flashing or intermittent illumination is prohibited.
- 3) Advertising signs and structures are permitted subject to the size requirements in Section 9.5, C, 4.

ARTICLE X
PROVISIONS GOVERNING NONCONFORMING USES AND
NONCOMPLYING BUILDING OR OTHER STRUCTURES

SECTION

- 10.1 Statement of Purpose**
- 10.2 Provisions Governing Nonconforming Uses**
- 10.3 Noncomplying Buildings or Other Structures**

10.1 STATEMENT OF PURPOSE

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

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this article are therefore established in order to provide a general remedy for existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict further investment in such uses which would make them more permanent establishments in inappropriate locations.

In the cases of a few objectionable nonconforming uses which are detrimental to the character of certain districts, a reasonable statutory period of life is established for such uses in order to permit the owner to gradually make his plans for the future during a period in which the nonconforming use is allowed to continue, thereby minimizing any loss, while at the same time assuring the public that the districts in which nonconformity exists will eventually benefit from a more uniform character.

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

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

10.2 PROVISIONS GOVERNING NONCONFORMING USES

- A. Applicability: The provisions of this article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, uses, buildings, and other structures located within the floodplain are considered within the regulation of nonconforming uses.
- B. Construction or Use Permit Approved Prior to Ordinance Adoption: Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof where official approval and required building permit have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control. In the event that the activity or construction of such building or other structure is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a certificate or permit, then such certificate or permit shall automatically lapse, and the provisions of this ordinance shall apply.
- C. Continuation of Nonconforming Use: Any nonconforming use which existed at the time of enactment of this ordinance and which remains nonconforming, or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto may be continued.
- D. Special Exceptions and Variances
1. Continuation: Whenever the Zoning Ordinance in effect at the time of adoption of this Zoning Ordinance has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district such authorization may be continued subject to the conditions concerning such use which were established at the time of approval of said variance or special exception, including any time period established for the continuation of such use. (Article XI, Sections 11.5; 11.6).
 2. Change of Use: Any change of a special exception shall be subject to the provisions of Section 11.6, of Article XI, of this ordinance.
 3. Alterations: Any alterations of a special exception are subject to the provisions of Section 11.6, of Article XI, of this ordinance.
 4. Expansion: No expansion of any special exception shall be permitted unless and until:

- A. The use is a permitted use, or a special exception permitted by this ordinance within the district in which the use is located.
 - B. Where such use is found in conformance with (a) above such use may be expanded subject to the constraints placed on the use of this ordinance.
- E. Repairs and Alterations: Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- 1. Incidental Alterations: Incidental alterations as defined by this ordinance, may be made to a building or other structure occupied by a nonconforming use, or in connection with a permitted change of nonconforming use.
 - 2. Alterations Other Than Incidental Alterations: No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use, except as provided in Section E, 3, below or when made:
 - A. In order to comply with requirements of law regarding fire protection, safety or the structure, etc.; or
 - B. In order to conform to the applicable district regulations.
 - 3. Alteration of Commercial and Industrial Uses: Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alterations may be made which would result in a change from one nonconforming use to another, and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.
- F. Relocation of Building or Structure: No building or structure which does not conform to all of the requirements of the district in which it is located shall be moved, in whole or in part, to any location on the lot unless every portion of such building or structure which is moved, and the use thereof is made to conform to all the requirements of the district in which it is located.
- G. Expansion of Nonconforming Use
- 1. In Building or Structure Designed or Intended for a Use Which Becomes Nonconforming: The nonconforming use or part of a building structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall

be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

2. In Building or Structure Designed or Intended for a Permitted Use: Except as provided in Section G 4 below, the nonconforming use of part of a building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded into any other portion of such building or structure, nor changed to any nonconforming use.
3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded beyond the area it occupies.
4. Expansion of Commercial and Industrial Uses: Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:
 - A. Shall result in a change of one nonconforming use to another nonconforming use;
 - B. Shall infringe or increase the extent or any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance.

H. Change of Nonconforming Use

1. General Provisions: For the purpose of this article, a change in use is a change to another use either of the same type or any other type or major class of use; however, a change in occupancy of ownership shall not, by itself, constitute a change of use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.
2. Land with Incidental Improvements: In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.
3. Buildings Designed for Residential Use: In all residential districts, a nonconforming use located in a building designed for residential use may be changed only to a conforming use permitted in the applicable district.
4. Buildings Designed for Nonresidential Use: In all residential districts, a nonconforming use located in a building designed for nonresidential use may be changed to a conforming use, or such nonconforming use may be changed to another nonconforming use provided that:

- A. Structural alterations, except as permitted in Article X, Section 10.2, E, or enlargements are not made to the building or other structure.
 - B. The degree of nonconformity or noncompliance is not increased.
 - C. All materials or products necessary thereto are stored within an enclosed building.
 - D. The nonconforming use to which such change is made will be less detrimental to the surrounding neighborhood than the existing nonconforming use.
 - E. The provisions of Article X, Section 10.2, H, 2, are not applicable.
 - F. The Board of Zoning Appeals grants approval.
5. Change of Nonconforming Use Located in Commercial and Industrial Districts: In all commercial and industrial districts, a nonconforming use may be changed to a conforming use or such nonconforming use may be changed to another nonconforming use provided that:
- A. Structural alterations, except as permitted in Article X, Section 10.2, E, or enlargements are not made to the building or other structure(s);
 - B. The degree of nonconformance or noncompliance is not increased;
 - C. The nonconforming use to which such change is made will be less detrimental to the surrounding area than the existing nonconforming use; and
 - D. The provisions of Article X, Section 10.2, H, 2, are not applicable.
6. Zone Lot Containing Nonconforming Use: A zone lot containing a nonconforming use shall not be reduced in area except to comply with Article X, Section 10.2, E, 2.
7. Nonconforming to Conforming Use: Whenever a nonconforming use is changed to conforming use, such use shall not thereafter be changed to nonconforming use, or whenever a nonconforming use is changed as permitted under Article X, Section 10.2, H, 4, and H, 5, such use shall not be changed to another use which would increase the degree of nonconformity.
- I. Damage or Destruction: Except as provided in Article X, Section 10.2, I, if a nonconforming building or structure is damaged or destroyed, the provisions of Article X, Section 10.2, I, 1, and I, 4, shall apply.
1. Land With Incidental Improvements: In all districts, when a nonconforming building or other structure or improvements located on “land with incidental improvements” (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings or other structures as other improvements located thereon (as determined from the assessment rolls effective on the date of damage

or destruction), such nonconforming use shall terminate and the tract of land shall thereafter be used only for a nonconforming.

2. Damage or Destruction of Building or Other Structure: In all districts, when any building or other structure, except a building subject to the provision of Article X, Section 10.2, I, 3, which is substantially occupied by a nonconforming use, is damaged or destroyed to the extent of fifty (50) percent or more of its total floor area, such nonconforming use shall terminate.
3. Restoration of Damage or Destruction of Buildings or Other Structures: When the extent of damage or destruction is less than fifty (50) percent, the nonconforming building or other structure may be restored, and the nonconforming use may be continued provided that:
 - A. A building permit pertaining to such restoration is applied for and issued within one (1) year of such damage or destruction;
 - B. A certificate of zoning compliance is issued within one (1) year after issuance of the building permit; and
 - C. Such restoration shall not cause a new nonconformance nor increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

Otherwise, the nonconforming use shall terminate.

4. Building Designed for Residential Use in Residential Districts: In all Residential Districts, if the floor area occupied or utilized by a nonconforming use within a building designed for residential use is damaged or destroyed by any means to the extent of twenty-five (25) percent or more of the floor area occupied or utilized by such nonconforming use, the nonconforming use shall terminate, and the area shall only be used thereafter for a conforming use. Of the extent of such damage or destruction is less than twenty-five (25) percent of the floor area occupied or utilized by a nonconforming use, the building may be restored, and the nonconforming use continued provided that:
 - A. A building permit pertaining to such restoration is applied for and issued within one (1) year of such damage;
 - B. A certificate of zoning compliance is applied for and issued within one (1) year after the building permit is issued; and
 - C. Such restoration shall not cause a new nonconformance nor increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
5. Use of Alternate Formula: In any case where the applicant or the Building Inspector alleges that the floor area is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for floor area, an application may be made to the Board of Zoning Appeals to determine the extent of such damage or destruction. The Board may grant such applications permitting such building to be restored as provided in Article

X, Section 10.2, I, 2, and I, 3, relating to restoration of damaged or destroyed buildings only if the Board finds that the estimated cost of restoring the damage or destroyed portion of such building is not greater than fifty (50) percent of the estimated cost of reconstructing the entire building. In determining reconstruction costs, the cost of land shall be excluded. Cost data used for the purpose of applying the provisions of this Section shall be provided by the applicant and if such data is to be satisfactory to said Board, such Board shall permit the restoration.

6. Damage or Destruction of Commercial or Industrial Uses: Any commercial or industrial use subject to the provisions of this section shall be allowed to destroy and reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding shall:

- A. result in a change of one nonconforming use to another nonconforming use;
- B. infringe upon, or increase the extent of any infringement existing at the time of this ordinance, upon any open space required by this ordinance;
- C. take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

J. Discontinuance: When a nonconforming use of land with minor improvements or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of nine (9) months, then, the land or building or other structure shall thereafter be used only for conforming use. Intent to resume action operations shall not affect the foregoing provision. **(Amended May 10, 2005)**

K. Land with Incidental Improvements: In all Residential Districts, a nonconforming use of land with incidental improvements shall be terminated three (3) years from the effective date of this ordinance and six (6) months after notification to the owner by the Building Inspector.

10.3 NONCOMPLYING BUILDINGS OR OTHER STRUCTURES

A. General Provisions: The provisions of Article X shall control buildings and other structures, which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

B. Continuation of Use: The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

C. Repairs and Alterations: Repairs, incidental alterations, or structural alterations may be made in noncomplying building or other structure subject to the provisions of Article X, Sections 10.3, D, through 10.3, F.

D. Enlargements or Conversions: A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of a building or other structure or parcel or any portion thereof.

1. Building Noncomplying as to Lot Area: If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area of zone lot being smaller than required for the number of dwelling units on such zone lot) such building may be converted (and, in mixed buildings, the residential use may be extended, except when in the floodplain district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a zone lot of two thousand five hundred (2,500) square feet, which before conversion required a lot area of four thousand (4,000) square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units requiring a lot area of no more than four thousand (4,000) square feet).

E. Regulation applying to Noncomplying Signs.

1. Termination of Noncomplying Advertising Signs: In the districts where advertising signs may be located under the provisions of this ordinance, any advertising sign which is noncomplying by reason of location, excessive display surface area, or any other feature, shall be terminated or made to comply with the appropriate district regulations within ten (10) years, from the date of the passage of this ordinance or subsequent amendment.
2. Termination of Noncomplying Accessory Business Signs: In commercial and industrial districts, any accessory business sign which is noncomplying by reason of location, excessive display surface area, or any other feature, shall be terminated or made to comply with the appropriate district regulations within ten (10) years, from the date of the passage of this ordinance or subsequent amendment.
3. Damage or Destruction of Signs: In all districts when any noncomplying sign is damaged or destroyed to the extent of fifty (50) percent of its depreciated value at the time of destruction or damage then the sign shall be terminated or made to comply with the appropriate district regulations.

F. Damage or Destruction of Noncomplying Uses

1. Permitted Reconstruction: In all districts, when a noncomplying building or other structure is damaged by an involuntary means to the extent of fifty (50) percent or more of its total

floor area, such building or other structure may be reconstructed only in accordance with the applicable bulk regulations and other provisions of this ordinance.

2. Use of Alternate Formula: In any case where the applicant or Building Inspector alleges that floor area is an inappropriate measure to the extent of damage or destruction, and elects to substitute reconstruction costs for floor area, an application may be made to the Board of Zoning Appeals to determine the extent of such damage or destruction. Said Board may grant such application permitting such a building or other structure to be reconstructed as provided in Article X, Section 10.3, F, 1, only when the Board finds that the ratio which the estimated cost of reconstruction the damaged or destroyed portion of such building or structure is not greater than fifty (50) percent of the estimated cost of reconstructing the entire building or structure.

ARTICLE XI
ADMINISTRATION AND ENFORCEMENT

SECTION

- 11.1 Organization and Purpose**
- 11.2 Appointment and Duties of the Building Inspector**
- 11.3 Building Permits and Use and Occupancy Permits**
- 11.4 The Board of Zoning Appeals**
- 11.5 Zoning Variances**
- 11.6 Special Exceptions**
- 11.7 Amendments**
- 11.8 Remedies and Enforcement**

11.1 ORGANIZATION AND PURPOSE: The administration of this ordinance is hereby vested in two offices of the government of the Town of Wartrace, Tennessee, as follows:

The Office of Building Inspector

The Board of Zoning Appeals

It is the purpose of this article to set out the authority of each of those two offices and then describe the procedures and substantive standards with respect to the following administrative functions:

- Issuance of Building Permits
- Issuance of Use and Occupancy Permits
- Variations
- Conditional Use Permits
- Amendments

11.2 APPOINTMENT AND DUTIES OF THE BUILDING INSPECTOR

Appointment of the Building Inspector: There is hereby created the Office of Building Inspector. The Building Inspector shall be executive head of the office and shall be appointed by the Town Board of Mayor and Aldermen in accordance with all applicable administrative procedures.

A. Duties of the Office of Building Inspector: The Building Inspector shall enforce this ordinance, and in addition thereto and in furtherance of said authority he or she shall:

1. Issue all building permits and made and maintain records thereof;
2. Issue all use and occupancy permits and make and maintain all records thereof;

3. Conduct inspections of buildings, structures, and use of land to determine compliance with the provisions of this ordinance;
4. Maintain permanent and current records of this ordinance, and subsequent amendments, including, but not limited to, all maps, amendments, conditional uses, variations, appeals, and applications thereof;
5. Provide information to the public on all matters relating to this ordinance;
6. Receive, file, and forward to all necessary agencies all applications for conditional uses, and for amendments to this ordinance;
7. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this ordinance;
8. Initiate, direct, and review from time to time, a study of the provisions of this ordinance, and make reports of his recommendations to the Planning Commission at least annually.

B. 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 inspections 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 as certificates of occupancy for any excavation or construction until he 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 in 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 the granting of said permit.

11.3 BUILDING PERMITS AND USE AND OCCUPANCY PERMITS

- A. Building Permits Required: No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the Office of the Building Inspector. 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 Town of Wartrace unless the application for such permit has been examined by the Office of the Building Inspector indicating that the proposed building or structure complies with all 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.
- B. Plot Plan Required for Building Permits: The Building Inspector shall require that all applications for building permits be accompanied by plans and specifications, including a site plan in triplicate, drawn to scale showing the following information:

1. Residential Buildings or Other Residential Structures Involving Four Units or Less Located on a Single-Zone Lot: The plot plan of any residential buildings or other structures of residential activity with four dwelling units or less on a zone lot shall indicate:
 - a. The actual shape, location, and dimensions of the lot;
 - b. The shape, size, and location of all buildings other structures to be erected, altered, or moved, and of any building or other structure already on the lot;
 - c. The existing and intended use of the lot and of all such building or other structure upon it, including the number of dwelling units the building is intended to accommodate;
 - d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
 - e. Existing water and sewer lines or proposed water and sewer lines and tap. (*Ordinance 04-004*)

2. All Other Buildings, Structures, and Activities
 - 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 other structure already on the lot;
 - c. The existing and intended use of the lot and of all such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate;
 - d. Topographic features (contours not greater than 5-foot intervals);
 - e. Location of all driveways and entrances;
 - f. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities where five or more accessory off-street parking spaces are to be provided;
 - g. Location of all accessory off-street loading berths;
 - h. Location of open spaces;
 - i. Proposed ground coverage, floor area, and building heights;
 - j. Position of fences and walls (materials specified);
 - k. Position of screen planting (type of plant specified);
 - l. Location of windows and courts;
 - m. Location, type, and size of proposed signs;
 - n. Proposed means of surface drainage;
 - o. Location of all easements and rights-of-way;
 - p. Location of areas subject to flooding;
 - q. Percolation tests where subsoil sewage disposal is anticipated.
 - r. Location of existing water and sewer lines or proposed water and sewer lines and tap. (*Ordinance 04-004*)

- C. 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 Office of the Building Inspector. No change in a use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the Building Inspector.
- D. Application for Use and Occupancy Permit: Every application for a building permit shall be deemed to be 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 Office of the Building Inspector.
1. Issuance of Use and Occupancy Permit: The following shall apply in the issuance of any use and occupancy permit:
 2. Permits Not to Be Issued 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.
 3. Permits for New Use of Land: No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use or activity of a different class or type unless a use and occupancy permit is first obtained for the new or different use.
 4. Use and Occupancy Permits for Existing Buildings: 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.
 5. Temporary Use and Occupancy Permits: Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permit 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 that such portion of the building, structure, or premise is in conformity with the provisions of this ordinance.
 6. Permits for Dwelling Accessory Buildings: Buildings accessory to dwellings shall not require separate 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.

- E. Records of Use and Occupancy Permits: A record of all use and occupancy permits issued shall be kept on file 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 involved.
- F. Final Inspection: No use and 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 Office of the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based.

11.4 THE BOARD OF ZONING APPEALS

- A. Creation of the Board of Zoning Appeals - Membership and Appointment: In accordance with Section 13-7-205, Tennessee Code Annotated, a Board of Zoning Appeals consisting of three members is hereby established which may be referred to herein as the “Board” or “Board of Appeals.” All members of such Board shall be appointed by the Board of Mayor and Aldermen.
- B. Term of Officers of Board Members, Removal, and Vacancies: The members of the Board shall serve for a 3-year term, or until their respective successors are appointed and qualified, except that the Board first appointed shall serve respectively for the following terms: one for one (1) year, one for two (2) years, and one for three (3) years. All members of the Board shall serve with such compensation as may be fixed by the town and may be removed from membership on the Board for continued absence or just cause. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.
- C. 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 11.5, of this article, to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot.
 - 3. Hear and act upon application for special exceptions in the manner and subject to the standards set out in Section 11.6, in this article.
 - 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.
- D. Election of Officers: The Board shall elect from its members its own chair and vice-chair, and secretary who shall serve one (1) year and may upon election serve succeeding terms.
- E. 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 participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.
- F. Meetings of the Board: Meetings shall be held at the call of the chair and at such other times as the Board may determine. The chair, or in his/her absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.
- G. Rules and Proceeding 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 a legal notice published in a newspaper of general circulation in Wartrace at least 10 days before the date set for a public hearing and a written notice of the hearing of an appeal be sent by mail to the appellant and all directly affected property owners at least ten (10) before the hearing of an appeal. The notice of the hearing shall be sent to the appellant by registered mail. No appeals shall be considered and heard by the Board unless such appeals shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard.
 3. The Board may call upon any other office or agency of the town 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 Wartrace 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 Town of Wartrace or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided by state law.
 6. In any decision made by the Board on a variance, the Board shall “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.”
 7. Any decision made by the Board on a special exception 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 be shown.
 9. At the public hearing of the case before the Board, the appellant shall appear in his/her 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.
- H. 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 and property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of competent jurisdiction on application.
- I. Liability of Board Members, Building Inspector, and Employees: Any Board member, Building Inspector, or other employee charged with the enforcement of this ordinance, acting for the Town of Wartrace in the discharge of his/her duties, shall not thereby render himself/herself personally liable, and she/he is hereby relieved from all personal liability and shall be held harmless by the Town of Wartrace of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, Building Inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the Town of Wartrace until the final termination of such proceedings.
- J. 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.

11.5 ZONING VARIANCES

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

- A. Application for Variances, Notice of Hearing, Fee: A written application for a variance shall be filed with the Board by the property owner or his/her designated agent and the application shall contain information and exhibits as may be required under Article XI, Section 11.3 B. No more than sixty (60) days after the filing of the application, a hearing shall be held on the applications, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Article XI, Section 11.4, G. A fee of \$15.00 payable to the Town of Wartrace 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.

- B. Notice of Affected Property Owners: It shall be the general rule of the Board that reasonable efforts shall be made to contact and notify interested parties, who in the opinion of the Board, may be affected by any matter brought before the Board. In all cases all owners of record of adjoining property, including those separated by a public way from the premises in question shall be notified. The notification required to meet this provision shall be accomplished by direct mail addressed to the respective owners at the address given in the latest assessment roll.

- C. Standards 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 surrounds, shape, or topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
 - 2. The conditions upon which the petition for a variance is based would not be applicable generally to other property within the same district.
 - 3. The 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 the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
 - 7. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the 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.
- D. Nonconformity Does Not Constitute Grounds for Granting a Variance: No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- E. 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.
- F. 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 XI, Section 11.5, Section 11.5, C, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of the variance.
- G. Board has Powers or 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.
- H. Variance Appeals: Any person including any agency of the town government aggrieved by a decision of the Board on a variance may appeal by writ of certiorari to a court of competent jurisdiction. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final and subject to review only for illegality or want of jurisdiction.

11.6 SPECIAL EXCEPTIONS

- A. Special Exceptions: The Board of Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions. In the review of such requests the following procedures shall be followed by the Board.

- B. Application for Special Exception, Notice of Public Hearing: The application for a special exception shall be made by the property owner or his or her designated agent and filed in writing with the Board and shall contain information and exhibits as may be required under Article XI, Section 11.3, B, or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Article VIII, Section 8.1.

Not more than sixty (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 Article XI, Section 11.4, G, (b). A fee of \$25.00 payable to the Town of Wartrace 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.

- C. Requirements for a Special Exception Permit: 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 exception permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by special exception as may be necessary to comply with the provisions set out in parts D and E, of this section, in order to reduce or minimize the injurious effect of such use upon and ensure 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.

- D. 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," Article XI, 11.6. 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.

- E. Specific Requirements: In addition to the requirements of the applicable district and the general requirements set forth above, specific requirements for certain uses as established hereafter shall also be considered as appropriate.

1. Churches

- a. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.

- b. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district in which it is located.
 - c. Off-street parking requirements can be suitably met.
2. Governmental Uses (Municipal, State, and Federal)
- 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 essentially service necessary for a convenient and functional living environment in order to be located on the proposed site.
 - d. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.
 - e. 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.
3. Health Care Facilities and Nursing Homes
- a. No hospital shall be located on a zone lot unless it contains a minimum of five (5) acres.
 - b. All parking requirements must be met with parking areas located on the same zone lot as the use.
 - c. Hospitals and health clinics shall be located on major or collector streets as shown on the official major thoroughfare plan.
 - d. The location and operation of such facility shall be basically in keeping with the character and the surrounding area and shall not represent an incompatible intrusion into the neighborhood.
4. Philanthropic Institutions, Private Clubs and Recreational Areas
- a. No such facilities shall be located on a zone lot unless it contains twice the lot area requirements of the district.
 - b. Off-street parking shall be provided on the same zone lot at the facility and shall be one (1) space for each four (4) seats in an assembly area or one (1) space for each 75 square feet or gross floor area, whichever is greater.
 - c. The location and operation of such facility shall be basically in keeping with the character of the district and shall not represent incompatible intrusions into the neighborhood.
 - d. The traffic generated by such facility shall be safely accommodated along the street(s) providing access to the lot.

5. Schools

- a. No such facility shall be located on a zone lot which does not meet the acreage requirements recommended by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the street(s) providing access to the site.
- c. The facility shall not have an adverse effect upon surrounding properties.
- d. Off-street parking shall be provided on the same zone lot as the facility.

6. Multi-family Developments, Mobile Home Parks, and Planned Developments

- a. In addition to the standards contained in Article IX, the Board of Zoning Appeals shall specifically find that there will be no adverse effect upon surrounding properties. In making this finding the Board shall consider the effect of the traffic generated, availability of utilities, and adequacy of the site to accommodate the use.
- b. The traffic generated by such use shall be safely accommodated by the street(s) providing access to the site.
- c. Prior to review by the Board, the site plan shall be approved by the Planning Commission.

11.7 AMENDMENTS

- A. General: The Mayor and Board and Aldermen 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.
- B. Initiation of Amendment: Amendments may be initiated by the Board of Mayor and Aldermen, the Planning Commission or by an application of one or more owners of property affected by the proposed amendment.
- C. Application for Amendment—Fee: An application by an individual for an amendment shall be accompanied by a fee of fifteen dollars (\$15.00) payable to the Town of Wartrace, 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. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.
- D. Review and Recommendation by the Planning Commission: The Planning Commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to this ordinance.

E. Grounds for an Amendment: The Planning Commission in its review and recommendation and the Board of Mayor and Aldermen 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 or property owners will benefit materially from the change to the detriment of the general public.

F. Public Hearing and Notice of Hearing: A public hearing shall be held on all proposed amendments to this ordinance on second reading by the Board of Mayor and Aldermen. Notice of such hearing shall be displayed as follows:

The Town Recorder shall give notice in a newspaper of general circulation within the Town of Wartrace at least fifteen (15) days but no more than thirty (30) 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.

G. 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.

H. 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 Town Commission 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.

11.8 REMEDIES AND ENFORCEMENT

- A. Complaints Regarding Violations: Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file 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.
- B. Penalties for Violation: Violation for the provisions of this ordinance of failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances 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.
- C. 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 town 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.

APPENDICES

APPENDIX A:
LIST OF AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENT</u>
September 18, 2001	01-002	Amended Article VI, Section 6.1, Commercial C-District (General), B, Special Exceptions, Added 2, Single family and duplex dwellings.
April 21, 2003	03-001	Amended Article V, Residential District Regulations, Section 5.2, Residential R-2 District, B, Special Exception, Add 11, Operation of restaurant with the following stipulations: a - 1.
August 18, 2003	02-005	Amended Article III, by Adding New Section 3.17, Lots of Record.
August 18, 2003	03-004	Amended Article V, by Adding New Section 5.3, Residential R-3, District (High Density).
August 16, 2004	04-004	<ol style="list-style-type: none"> 1. Amended Article XI, Administration and Enforcement, Section 11.3, Building Permits and Use and Occupancy Permits, B, 1, Plot Plan Required for Building Permits, by Adding (e). 2. Amended Article XI, Administration and Enforcement, Section 11.3, Building Permits and Use and Occupancy Permits, B, 2, Plot Plan Required for Building Permits, by Adding (r).
November 8, 2004	04-005	<ol style="list-style-type: none"> 1. Amended Article VIII, Provisions Governing Floodway and Floodway Fringe Districts, by Adding New A, Statutory Authorization; and Amending Old A, Findings of Fact, to B; B, Statement of Purpose to C; C, Objectives, to D. 2. Amended Article VIII, Subsection 8.1(2), Supplementary Definitions, adding 43, Manufactured Home, and arranging the subsequent numbers to read in sequential order.
May 10, 2005		Amended Article X, Section 10.2, Subpart J, Discontinuance, changed period of one (1) year to period of nine (9) months.
March 20, 2006	06-001	<ol style="list-style-type: none"> 1. Article IV, Establishment of Districts and Provisions for Official Zoning Map, Section 4.1, Classification of Districts, Amended: Subsection A. 2. Amended Article V, Residential District Regulations, by Adding: Section 5.4, Residential Rural Estate R-RE1 District (Low Density).
June 29, 2007	07-001	Amended Article VIII, Municipal Floodplain Zoning Ordinance.
February 19, 2008	08-001	Amended Article V, Residential District Regulations, Section 5.5 Specific District regarding mobile homes.
November 15, 2010	10-005	<ol style="list-style-type: none"> 1. Article VI, Section 6.1 C-1 Central Business District and 6.2 C-2 General Commercial District. 2. Amended Article VI, amending Commercial District text and adding definitions to coincide with the changes.
February 11, 2013	13-002	Amended Article IX, PROVISIONS FOR PUBLIC USE DISTRICT REGULATIONS.

February 11, 2013	13-003	Amending the Zoning Ordinance BY DELETING THE APRIL 13, 1987 ZONING MAP AND ALL AMENDMENTS TO SAID MAP AND ADOPTING THE FEBRUARY 11, 2013 CITY WIDE ZONING MAP
	18-001	An Ordinance Permitting, as an Accessory Use, the inclusion of a single residential dwelling unit within the Commercial-2 (C-2) or Industrial-1 (I-1) Zone Districts for the purposes of On-Site Security of the Business, Products, and Property.