

THE MUNICIPAL ZONING ORDINANCE

**Town of Centerville,
Tennessee**



Last Amended: December 2023

Town of Centerville, Tennessee
Municipal Zoning Ordinance
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**ARTICLE I
ENACTMENT**

SECTION

1.010 Authority

1.020 Title

1.030 Enactment

1.040 Purpose

1.050 Repeal

1.010 Authority. An Ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-401, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of Town of Centerville, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes, including areas subject to flooding; to provide methods of administration of this Ordinance; and to prescribe penalties for the violation thereof.

1.020 Title. This Ordinance shall be known as “The Zoning Ordinance of Centerville, Tennessee,” dated July 9, 1996. The Zoning Map shall be referred to as the “Official Zoning Map of Centerville, Tennessee,” and all explanatory matter thereon is hereby adopted and made a part of this Ordinance.

1.030 Enactment.

Whereas Sections 13-7-201 through 13-7-401 of the Tennessee Code Annotated empowers the town to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

Whereas the City Board 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 the Zoning Ordinance of the Town of Centerville was passed on the 8th day of January 1985; and

Whereas, said Ordinance has been referred to as Ordinance Number 371, and

Whereas such Ordinance number was incorrect; and

Whereas it is the desire of the Mayor and the Board of Alderman of the Town of Centerville to assign an Ordinance Number to the Zoning Ordinance passed on the 8th day of January 1985; and

Whereas Ordinance Number 606 is hereby assigned to the Zoning Ordinance of the Town of Centerville; and

Whereas all the requirements of Sections 13-7-201 through 13-7-401 of the Tennessee Code Annotated, with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the City Board have been met.

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

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

- A. Enhancing the character and stability of residential, businesses, commercial and industrial areas and promoting the orderly and beneficial development of such areas.
- B. Preventing the overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Minimizing Traffic hazards and congestion
- E. Preventing undue concentration of population.
- F. Providing for adequate light, air privacy and sanitation
- G. Reducing hazards from fire, flood, and other dangers
- H. Assisting in the economic provision, utilization and expansion of all services provided by the public, including, but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- I. Encouraging the most appropriate uses of land and
- J. Enhancing the natural, man-made, and historical amenities of Centerville, Tennessee.

1.050 Repeal. The existing zoning regulations, as amended, are hereby repealed.

ARTICLE II DEFINITIONS

SECTION

2.010 Scope

2.020 Definitions

2.030 Use Classifications

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

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

2.020 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.

Abuts or Abutting: Lots or land adjoining but separated by a common property line.

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

Accessory Building: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

Accessory Dwelling Unit. A residential unit that is located on the same lot as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure. The accessory dwelling unit is a complete housekeeping unit with a shared or separate entrance, and separate kitchen, sleeping area, closet space, and bathroom facilities (*Ordinance #888 , December 2023*)

Accessory Use: A use customarily incidental, appropriate, and subordinate to the principal use of land/or buildings and located upon the same lot there with.

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

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

Advertising Sign or Structure: See sign.

Agricultural 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 Centerville, Tennessee are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feedlots, the raising of fur bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

Agricultural Accessory Use: Those structures or equipment which are normally required in the operation of agricultural uses.

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

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

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

Attached: Joined together by party wall(s).

Automobile Wrecking: the dismantling, storage, sale or dumping of used motor vehicles. Trailers or parts thereof.

Automobile Wrecking, Junk, and Salvage Yards: Any lot or place which is exposed to weather, and upon which more than five motor vehicles of any kind incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

Average Ground Elevation: The elevation of the mean finished grade at the front of a structure.

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

Board: The Centerville, Tennessee Board of Zoning Appeals.

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

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

Building Area of a Lot: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

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

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

Building Setback Line, Front: A line delineating the minimum allowable distance between the street right of way or if an official future street right of way has been established from that future street right of way line and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right of way.

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

Building Setback Line, Side: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

Business and Communication Services: The provision of clerical services, goods brokerage, communications of a minor processing nature, including multicopy and blueprinting services, custom printing but excluding the printing of books other than pamphlets and small reports.

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.

Clinic: See Medical Facility.

Conditional Use: See Special Exception. Such uses may be permitted in a zoning district if they are specially provided for in this Ordinance, Article 8, Section 8.080.

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

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

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

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, writing, clubhouse, pool, dining facilities, lounge,

Daycare Center: A facility other than an occupied residence which receives children for daycare or any place, including nursery schools which provide definite specified educational programs, which receives more than twelve children for related daycare services.

Development: Any man-made change to improve or 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.

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

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

A. *A single detached dwelling* means a building and accessories thereto principally used, designed, or adapted for use by a single family.

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

C. *Apartment dwellings* means a building and accessories thereto, principally used, designed, or adapted for use as occupancy by three or more families, each of which has separate living quarters. This includes triplexes and quadruplexes.

D. *Rooming house* means a building and accessories thereto, principally used, designed, or adapted to provide living accommodations for not more than six occupants and without owner provided cooking and dining facilities.

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

F. *Townhouse* means a residential structure containing three or more single, non detached dwelling units separated by a common vertical wall.

G. *Condominium* means a form of ownership of less than the whole of a building under the Tennessee Horizontal Property Act, Sections 64-2701 and 64-2722, Tennessee Code Annotated. The statute provides the mechanics for formal filing and recording of divided interested in real property whether the division is vertical or horizontal.

H. *Mobile home* means a vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standards (ANSI 119.1) built on a chassis and designed to be used without a permanent foundation as a place for human habitation when connected to the required utilities and:

1. Is not designed and constructed in accordance with the applicable provisions of the adopted Building Code, except Appendix One: Mobile Home Standards.
2. Is not designed and constructed in accordance with applicable provisions of the adopted housing codes.
3. Does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code.

I. *Multifamily* means a building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. For purposes of these regulations, regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental partly on a monthly basis and partly for a shorter period of time but with less than 30% of the living units under the same ownership or management on the same zone, lot being occupied on a less than monthly basis shall be considered a semi transient residential activity.

Family: One or more persons related by blood, marriage or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

Fence: An enclosure or barrier attached at the ground, such as wooden posts, wire, iron, etcetera, used as a boundary. Means of protection, privacy, screening, or confinement, but not including hedges, shrubs, trees, or other natural growth. The maximum height of a fence shall be 4 feet in residential front yard areas, 6 feet in residential backyards and eight feet in commercial and industrial areas and located approximately 1 foot within the property line.

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

Floor Area: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits of faces of a building or structure.

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

Gasoline Service Station: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline oil (but no butane or propane fuels), or automobile accessories and incidental services, including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

Health Department: The Hickman County Health Department.

Height of Building or Structure(s): The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

Home Occupation: See Section 4.040.

Hospital: See Medical Facilities.

Junkyard or Salvage Yard: A lot, land/or structure, or part thereof, used primarily for the collecting, storage, and sale of waste, paper, rags, scrap metal, or discarded material, or for the collecting,

dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Landscaping: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures or other art objects, and similar accessory features may be included as landscaping if integrally designed.

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 industrial wastes, psychological effects, and generation of motor vehicle traffic.

Loading Space: An area 10 feet by 40 feet with a 14-foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

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

Lot, Area: The total surface land area included within lot lines.

Lot, Corner: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than 135 degrees.

Lot, Depth: The average distance from the street line of the lot line to its rear line, measured in the general direction of the sidelines of the lot.

Lot, Frontage: That dimension of a lot or portion of a lot of budding on a street, excluding the side dimension of a corner lot.

Lot, Interior: a lot other than a corner lot.

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

Lot of Record: A lot, which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the effective date of this zoning Ordinance regarding noncomplying lots of record (see Section 7.060).

Lot Width: The width of a lot at the building setback line, measured at right angles to its depth.

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

Medical Facilities:

- A. *Convalescent rest or nursing home:* A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. *Dental clinic or medical clinic:* A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.

- C. *Hospital*: An institution providing health services primarily for human inpatient medical care for sick or injured and including related facilities such as laboratories, outpatient facilities, emergency medical services and staff offices, which are an integral part of the facility.
- D. *Public Health Center*: A facility utilized by a health unit for the provision of public health services.

Minimum Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Mobile Home Park: Any undivided parcel of land consisting of at least two acres and at least two mobile home spaces available at the time of first occupancy.

Mobile Home Stand: A permanent horizontal foundation or pad, composed of concrete or compacted gravel, upon which the mobile home was placed. See Article 5, Section 5.051.3.

Mobile Home Space: A well-defined area with a minimum length of 90 feet and a minimum width of 40 feet to accommodate one mobile home within a Mobile Home Park and also allowing for yard space.

Non-Complying:

- A. Any lawful building or other structure which does not comply with any one or more of the applicable bulk regulations, or
- B. Any lawful use other than in non-conforming use which does not comply with any part or any one or more of the applicable regulations pertaining to location along district boundary, signs, or accessory off street parking and loading either on the effective date of this Ordinance or as a result of any subsequent amendment.

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

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

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

Owner: Includes the owners, his duly authorized agent or attorney, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

Parking Lot: An off-street facility including parking spaces with adequate provision for drives and aisles, for maneuvering and obtaining access, and for entrance and exit.

Parking Space: An off-street space available for parking one motor vehicle and having a minimum area of 9'x18' feet in size, exclusive of passageways and driveways, giving access thereto and having access to a street or alley.

Party Wall: A wall separating two individual dwelling units which are attached at that wall, and which is constructed as a firewall extending from the footings through the roof without openings and would prohibit the spread of fire from one dwelling unit to another.

Planning Commission: The Centerville Municipal-Regional Planning Commission.

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

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

Private wastewater treatment: Individual subsurface 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 appropriate county health office.

Professional (Professional Office): The term profession as used in the Ordinance is not limited in its application to physician and surgeons, lawyers, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice. The term may also include insurance agents, insurance adjusters, realtors, or any persons engaged in sales or trade which utilize an office environment without display or storage space for goods. In permitting professional offices 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 that only offices occupied by persons engaged in professions, as herein defined, shall be permitted.

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

Public Wastewater System: A municipal, community or utility district sewerage treatment and disposal system of a type approved by the state Department of Public Health and Environment and the Public Service Commission.

Public Water: A municipal, community or utility district water treatment and distribution system of a type approved by the state Department of Public Health and Environment and the Public Service Commission.

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

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

Semi-Transient Residential Establishment: An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than 30% of the living units under the same ownership or management on the same zone lot being occupied on a less than monthly basis but excluding institutional living arrangements involving the provisions of a specific kind of forced residences, such as nursing homes, orphanages, asylums, and prisons.

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

Shelter, Fallout: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

Shopping Center: A group of compatible commercial establishments plan developed and managed as a unit with an automobile storage area provided on the property. The center must also be related in location, size, and type of shop to its trade area.

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

1. 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.
2. Is used to announce, direct attention, or advertise.
3. Is painted or affixed outside a building.
4. A sign shall include writing, representation, or other figure of similar character within a building only when illuminated and located within a window.

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.

Sign, Advertising: A sign which directs attention to a business, protection, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zone lot.

Sign, Animated: Any sign or part of a sign that changes physical position by any movement or rotation or gives the visual impression of such movement.

Sign, Civic: Identifying the nature of activity or other pertinent information for any community facility or activity.

Sign, Development: Denotes the future facility, architect, engineer, contractor, lending agency, and/or developer on construction sites.

Sign, Direct Illumination: All illuminated signs not included in definition of sign, luminous background or sign, indirect illumination.

Sign, Electronic Message: A sign including a fixed or changing display or message composed of a series of lights that may be changed through electronic means. These signs are on a fixed display screen composed of electrically illuminated segments. These signs may be included as part of any business sign located in a commercial or industrial district.

Sign, Flashing: A sign that contains an intermittent or sequential flashing light source. An animated or electronic sign shall not be considered as a flashing sign.

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

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

Sign, Large Realty: Indicates pertinent information regarding property for sale, lease, or rent, of not more than 50 square feet of maximum display surface area, located on the same lot as the facilities advertised.

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

Sign, Portable: A sign not permanently mounted or attached to the ground premises or building, but which is located on the ground, easily movable, may be on wheels or legs, including any single or double surface, painted postured or panel type sign or any variation thereof.

Sign, Residential: Is an accessory sign which indicates the name and/or address of the occupant of a permitted home occupation.

Sign, Small Realty: Indicates pertinent information regarding property for sale, lease, or rent, of not more than six 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 5 feet above finished grade, or if attached to a building, its height not extending above the roof line or parapet wall, if any, of such building.

Signage: Area in square feet of the continuous perimeter of copy, including any wording, numerals, emblems, or representative which is used to announce direct attention to or advertise and is visible from outside a building, including signage inside a building which is located in a window and illuminated.

Special Exception: A use 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, as listed in Article 8, Section 8.080.

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 feet or more head clearance equals 50% or more of the floor area of the next story below, provided it is not used as a dwelling unit. A top floor in which the floor area with eight feet or more of head clearance equals less than 50% of the floor area of the story next below shall be a ½ story. A basement shall be considered as a story if more than half its height is above the average ground level from which the height of a building is measured if it is used for commercial purposes.

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

Structure: Any combination of materials, including buildings constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including, among other things, signs, and billboards.

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

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

Travel Trailer Park: A plat of land designed and equipped to accommodate travel trailers for short periods of time.

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

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

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

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

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

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

2.030 Use Classification

General Classification Rules. The purpose of these provisions is to classify uses into a number of specific categories based on their common functional characteristics and compatibility. This provides a basis for regulation of uses according to criteria which are relevant to the public interest in differentiating between zoning districts. A general statement appears with each broad use classification, which is intended to provide guidance as to what their common characteristics are. It is not intended that every use within a grouping should necessarily be permitted within a given zone district. Where specific uses within a particular use grouping are individually listed, only those particular uses are permitted. Where a use grouping is listed without further specification or limitation, any and all Uses within that grouping may be permitted.

2.031 Listing of Activity Classifications. All activities are hereby classified into the following activity types. Vacant land itself shall not constitute an activity type.

A. Residential Activities:

1. Permanent
2. Semi transient

B. Community Facilities Activities:

1. Administrative
2. Community assembly
3. Community education
4. Cultural education
5. Essential service
6. Extensive impact
7. Healthcare
8. Intermediate impact
9. Personal and group care facilities
10. Religious facilities

B. Commercial Activities:

1. Animal care and veterinarian services
2. Automotive parking
3. Automotive service and repair
4. Building materials and farm equipment
5. Consumer repair services
6. Construction sales, and services

7. Convenience commercial
8. Entertainment and amusement services
9. Financial consulting and administrative
10. Food and beverage service
11. Food service- Drive in
12. General business and communication services
13. General personal service
14. General retail trade
15. Group assembly
16. Professional services - Medical
17. Professional services- Non-medical
18. Transient habitation
19. Transport and warehousing
20. Vehicular, Marine craft, aircraft and related equipment sales, retail, and delivery
21. Wholesale sales

C. Manufacturing Activities:

1. Limited
2. Intermediate
3. Extensive

D. Agricultural Resource Production and Extractive Activities:

1. Agricultural services
2. Crop and animal raising
3. Mining and quarrying
4. Plant and forest nurseries
5. Commercial feed lots and stockyards

2.032 Accessory Uses. In addition to the principal activities above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory use is permitted are presented with the Use Regulation section of each district.

2.033 Classification of Combinations of Principal Activities. The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types, and which are not classified as accessory activities.

- 1. Separate classification of each establishment-**The principal activities on a single zone lot by each individual establishment, management, or institution shall be classified separately.
- 2. Separate classification of different major classes of activities conducted by a single establishment-** If the principal activities conducted by a single establishment, management, or institution resembles two or more different major classes of activities, to wit, residential, community, facilities, trade, services, manufacturing or agricultural and extractive activities, the principal activities of each major class shall be classified separately.
- 3. Classification of different activities within the same major class conducted by a single establishment-** If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same major class of activities, all such principal activities shall be classified in the activity type within seg class, the description of which type most closely portrays the overall nature of such activities.

2.034 Residential Activities: Class and Type

2.034.1 Activities Type: Permanent Residential Activities

A. Intent and Limitations. This grouping is intended to include permanent residential activities which involve the occupancy of the dwelling unit as defined by the ordinance. This form of occupancy shall not be construed to include:

1. Institutional living arrangements involving provisions of special care or forced residents such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or
2. Transient accommodations as transient hotels, motels, tourist homes, or similar establishments; or
3. Dormitories, nurses, residences, fraternity or sorority houses, monasteries or convents or similar establishments containing group living or sleeping accommodations; or
4. In a building with mixed-use occupancy, that part of the buildings used for any non-residential uses except uses accessory to residential use.

B. Use Listing: The following dwelling unit types as defined by this Ordinance are considered as permanent residential activities when located within any district. However, only those dwelling unit types, as indicated by individual district regulations, may be permitted therein.

1. Dwelling, one family
2. Dwelling, one family detached
3. Dwelling, one family, semi- detached
4. Dwelling, One family attached
5. Dwelling, Two family
6. Dwelling, two family detached
7. Dwelling, two family, Semi- detached
8. Dwelling, two family attached
9. Dwelling, multi- family
10. Dwelling, Mobile Home

2.034.2 Activity Type: Semi-Transient Residential Activities. This grouping is intended to activities which are semi transient in nature and involve the occupancy of a rooming unit as defined by this ordinance. This form of occupancy shall not be construed to include:

A. Intent and Limitations. Institutional living arrangements involving provisions of special care or forced residents, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or, in any building with mixed-use occupancy, that part of the buildings used for any non-residential uses except uses accessory to residential use.

B. Use Listing: The following rooming unit types are considered as semi- transient residential activities when they meet the general limitations for a rooming unit. However. Only those rooming unit types as indicated within individual district regulations may be permitted therein.

1. Apartment hotel
2. Boarding or Rooming house
3. Residential hotel

2.035 Community Facility Activities: Class and Type

2.035.1 Activity Type: Government Administrative Services

A. Intent and Limitations. This grouping is intended to include the activities typically performed by public utility and private nonprofit administrative offices.

B. Use Listing:

1. City, County, State, and Federal offices
2. Civil defense facilities
3. Court buildings
4. Fire department facilities
5. Police Department facilities
6. Post offices

2.035.2 Activity Type: Community Assembly

A. Intent and Limitations. This grouping includes a broad range of facilities utilized as public gathering places in conjunction with various social and recreational events. This grouping is not intended to include facilities primarily utilized for profit, nor is it to include any facility which has the characteristics associated with extensive impact community facilities.

B. Use Listing:

1. Civic, social, fraternal, and philanthropic associations.
2. Private (Nonprofit) clubs, lodges, meeting halls and recreation centers.
3. Temporary nonprofit festivals.

2.035.3 Activity Type: Educational Facilities

A. Intent and Limitations. This grouping is intended to include services and facilities typically performed by public parochial and private nursery schools, kindergartens. Primary and secondary schools. The grouping is not intended to include special training in schooling services offered by private individuals for profit or technical schools, colleges, and universities.

B. Use Listing:

1. Public parochial and private kindergarten.
2. Primary and secondary schools.

2.035.4 Activity Type: Cultural and Recreational Services

A. Intent and Limitations. This grouping is intended to include services and facilities of a cultural or recreational nature which are either owned by or operated for the use and enjoyment of the general public. This grouping is not intended to include entertainment and amusement facilities which are operated by private persons as profit making ventures.

B. Use Listing:

1. Non-commercial art galleries
2. Libraries
3. Museums
4. Parks, playgrounds, and athletic fields
5. Recreational centers and gymnasiums (public/nonprofit)
6. Swimming pools and beaches
7. Private yachting clubs
8. Noncommercial zoological and botanical gardens

2.035.5 Activity Type: Essential Public Transport, Communication, and Utility Services

A. Intent and Limitations. This grouping is intended to include facilities necessary and incidental to the operation of transport, communication, and utility services. The grouping is not intended to include transport terminals or utility production and processing facilities.

B. Use Listing:

1. Electrical and gas substations
2. Gas, electric and water distribution lines
3. Pumping facilities for water and sewer systems
4. Rights of way for all modes of transportation
5. Sewage collection lines
6. Telephone switching facilities

2.035.6 Activity Type: Extensive Impact Facilities

A. Intent and Limitations. This grouping includes public activities and facilities which have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, traffic generation, or parking requirements.

B. Use Listing:

1. Airports, air cargo terminals, heliports, helistops, or any other aeronautical devices
2. Detention or correction institutions
3. Electricity generating facilities
4. Garbage dumps, including sanitary landfill
5. Major mail processing centers
6. Major petroleum and natural gas transmission lines and facilities
7. Marine terminals
8. Motion picture and television production lots
9. Radio and television towers and transmission facilities
10. Railroad yards and other transportation equipment, marshalling and storage yards
11. Railroad, bus, and transit terminals for passengers
12. Water and sewage treatment plants

2.035.7 Activity Type: Health Care Facilities

A. Intent and Limitations. This grouping includes medical and other healthcare facilities which are required for promotion and protection of public health and safety. This grouping is not intended to include the offices, clinics, laboratories, et cetera, of private physicians or other healthcare professionals.

B. Use Listing:

1. Centers for observation or rehabilitation
2. Convalescent homes
3. Hospitals
4. Medical clinics

2.035.8 Activity Type: Intermediate Impact Facilities

A. Intent and Limitations. This grouping is intended to include activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land

requirements, or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations.

B. Use Listing:

1. Cemeteries, columbarium, and mausoleums.
2. Boat docks, marinas, and yacht clubs.
3. Golf courses. Water storage facilities.

2.035.9 Activity Type: Special Personal and Group Care Facilities

A. Intent and Limitations. This grouping is intended to include residential facilities for the care of very young and/or disabled persons who have need of special care and supervision. The grouping is not intended to include facilities primarily oriented to the provision of medical care or to the long-term care or rehabilitation and medical patients, nor is it to include facilities for delinquent minors, criminally dangerous or psychotic.

B. Use Listings:

1. Associations for physically or mentally handicapped persons
2. Daycare facilities for limited childcare
3. Family and group care facilities
4. Nursing homes
5. Retirement or Rest Homes

2.035.10 Activity Type: Religious Facilities

A. Intent and Limitations. This grouping is intended to include facilities utilized by various religious organizations for worship or community services functions. The grouping is not intended to include facilities which primarily function to produce products, including printed matter for sale or general distribution to groups other than the immediate membership of the organization.

B. Use Listing:

1. Chapels
2. Churches
3. Convents or monasteries
4. Sanctuaries
5. Synagogues
6. Temples

2.036 Commercial Activities- Class and Types.

2.036.1 Activity Type: Animal Care and Veterinarian Services

A. Intent and Limitations. This grouping is intended to include the activities or facilities utilized by veterinarians in the care of small domestic pets. The grouping is not intended to include. Facilities or services for treatment of large farm animals.

B. Use Listing:

1. Veterinarian clinics
2. Kennels

2.036.2 Activity Type: Automotive Parking

A. Intent and Limitations. This grouping is intended to include facilities for parking and/or storage of operative automotive vehicles. The grouping is not intended to include the storage of junk or scrap vehicles.

B. Use Listing:

1. Auto parking lots
2. Parking garages

2.036.3 Activity Type: Automotive Service and Repair

A. Intent and Limitations. This grouping is intended to include establishments primarily engaged in furnishing auto repair services to the general public.

B. Use Listing:

1. Auto glass repair and replacement shops
2. Auto inspection and diagnostic services
3. Auto paint shops
4. Auto towing services
5. Automobile cleaning and repair services
6. Bus maintenance and repair shops
7. Car washes
8. Radiator and muffler shops
9. Tire retreading and repair shops
10. Wheel alignment and transmission repair shops

2.036.4 Activity Type: Building Materials and Farm Equipment Sales

A. Intent and Limitations. This grouping includes firms engaged in the retail and wholesale sales and storage of materials used in the construction of buildings and other structures, as well as the retail and wholesale sale and storage of implements, equipment, feed, and seed used in agricultural pursuits.

B. Use Listing:

1. Farm equipment and supplies
2. Feed milling and sales
3. Heating, plumbing and electrical supplies
4. Lumber and other building material dealers
5. Retail nurseries, lawn, and garden supply stores
6. Seed storage and sales

2.036.5 Activity Type: Contract Construction Services

A. Intent and Limitations. This grouping is intended to include the offices, buildings, and shops of various types of construction contractors and operative builders engaged in the construction of buildings, streets, highways, and utilities, as well as incidental on site storage, equipment and supplies utilized in building operations.

B. Use Listing:

1. Carpentering contractors
2. Concrete contractors
3. Excavation contractors

4. General building contractors
5. Glazing contractors
6. Highway and street construction contractors
7. Masonry, stonework, tile setting and plastering contractors
8. Painting, paper hanging and decorating services
9. Plumbing, heating, and electrical contractors
10. Roofing and sheet metal contractors

2.036.6 Activity Type: Convenience Retail Sales and Services

A. Intent and Limitations. This grouping is intended to include firms engaged in the retail sale from the premises of goods and services which are needed immediately and often, and which are purchased where it is most convenient for the shopper as well as the provision of personal convenience services, which are typically needed frequently or recurrently.

B. Use Listing:

1. Bakeries
2. Barber shops
3. Beauty shops
4. Candy, nut, and confectionery stores
5. Convenience markets (where gasoline may be sold)
6. Dairy products
7. Drugstores
8. Fruit stores
9. Hardware stores
10. Health spas
11. Laundry, cleaning, and garment services
12. Liquor stores
13. Meat and fish markets
14. Newsstands
15. Shoe repair shops
16. Vegetable markets

2.036.7 Activity Type: Equipment Repair Services

A. Intent and Limitations. This grouping is intended to include establishments primarily engaged in the repair of miscellaneous objects. The grouping does not include automobile repair of any type.

B. Use Listing:

1. Blacksmith shops
2. Electrical repair shops
3. Gunsmith shops
4. Instrument repair shops
5. Lawn mower repair shops
6. Locksmith shops
7. Office equipment cleaning and repair
8. Refrigeration and air conditioning repair
9. Reupholstery and furniture repair
10. Saddlery repair shops
11. Watch clock and jewelry repair
12. Welding shops

2.036.8 Activity Type: Entertainment and Amusement Services

A. Intent and Limitations. This grouping is intended to include establishments engaged in providing amusement or entertainment on payment of a fee for admission charge.

B. Use Listing:

1. Commercial art galleries
2. Bowling alleys and billiard parlors
3. Coin operated amusement arcades
4. Commercial recreation including:
 - a. Golf courses and driving ranges
 - b. Riding stables
 - c. Skating facilities
 - d. Swimming pools and beaches
 - e. Tennis courts
5. Dance halls
6. Exhibition halls and commercial auditoriums
7. Botanical and Zoological Gardens
8. Marinas, boat docks and boat rental
9. Motion picture theaters
10. Drive in motion picture theaters
11. Recording and Television Production Studios
12. Legitimate theaters
13. Theatrical producers, bands, orchestras, and entertainers

2.036.9 Activity Type - Financial, Insurance, Real Estate and Consultative Services

A. Intent and Limitations. This grouping includes firms engaged in the provision of financial insurance and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature other than those classified as community facility activities, medical and professional service, or business and communication services. These include the executive management or administrative activities of private profit-oriented firms but exclude the sale and/or storage of goods or chattel, unless otherwise permitted by this ordinance.

B. Use Listing:

1. Agricultural credit institution
2. Banking and bank related functions
3. Credit unions
4. Holding and investment organizations
5. Installment Sales Finance companies
6. Insurance sales and services
7. Money management and investment offices
8. Real estate brokers, managers, and appraisers
9. Rediscount and financing institutions for credit agencies other than banks
10. Savings and Loans Associations
11. Securities commodities brokers, dealers, and exchanges
12. Title Offices

2.036.10 Activity Type: Food and Beverage Service

A. Intent and Limitations. This grouping is intended to include retail establishments selling prepared foods and drinks to the general public, primarily for consumption on the premises. The grouping is not intended to include food preparation facilities which are not open to the general public and are operated as a subordinate service for benefit of employees engaged in other activities.

B. Use Listing:

1. Cafes
2. Cafeterias
3. Restaurants
4. Taverns

2.036.11 Activity Type: Food Service, Takeout

A. Intent and Limitations. This grouping is intended to include establishments engaged in the retail sale of prepared food or beverages for either take out on premises consumptions either within this principal structure or within a vehicle parked on the same lot.

B. Use Listing:

1. Drive in restaurants.
2. Fast food restaurants.

2.036.12 Activity Type - General Business Service

A. Intent and Limitations. This grouping includes firms engaged in the provision of clerical, goods brokerage, communications, copying and blueprint services, custom printing (excluding books), but excludes the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

B. Use Listing:

1. Advertising agencies and services
2. Commercial cleaning services
3. Commercial testing laboratories
4. Communication services, including:
 - a. Radio and television broadcasting studios
 - b. Telegraph offices and message centers
 - c. Telephone exchanges and relay towers
 - d. Television and Recording Production Studios
5. Computer and data processing services
6. Credit reporting, adjustment, and collection agencies
7. Detective agencies and Protective Services
8. Drafting services
9. Employment personnel and temporary help services
10. Exterminating services
11. Interior decorator and consulting services
12. Mailing reproduction and commercial art services
13. Management consulting and public relations services
14. Membership organizations, including:
 - a. Automobile Clubs
 - b. Better Business Bureaus
 - c. Chamber of Commerce
 - d. Labor unions

- e. Political organizations
- f. Professional associations
- 15. News Syndicates
- 16. Photo finishing services
- 17. Research and development laboratories
- 18. Trading stamp services
- 19. Travel agencies
- 20. Vehicular and equipment rental and leasing services

2.036.13 Activity Type: General Personal Services

A. Intent and Limitations. This grouping includes firms engaged in the retail sales or rental from the premises primarily for personal or household use of goods and/or services, but excluding goods and services listed in the other classifications herein.

B. Use Listing:

- 1. Funeral and Crematory services
- 2. Undertaking services
- 3. Catering services
- 4. Clothing repair and rental
- 5. Photographic Studios
- 6. Hat cleaning shops
- 7. Special training and schooling services, including:
 - a. Art and Music schools
 - b. Barber and Beauty schools
 - c. Dancing schools
 - d. Driving schools
 - e. Athletic clubs

2.036.14 Activity Type: General Retail Trade

A. Intent and Limitations. This grouping includes the retail sales or rental from the premises primarily for personal or household use, of goods and/or services, but excluding goods and services listed under other activity types.

B. Use Listing:

- 1. Antique and secondhand merchandise stores
- 2. Automotive parts, excluding exterior storage
- 3. Book and stationery stores
- 4. Camera stores
- 5. Children's and Infant's stores
- 6. Department stores
- 7. Drapery, curtain, and upholstery stores
- 8. Family clothing stores
- 9. Floor covering stores
- 10. Florists
- 11. Furniture stores
- 12. Furriers and fur shops
- 13. Gift shops
- 14. Grocery stores
- 15. Hardware stores

16. Hobby toy and game stores
17. Household appliance stores
18. Jewelry stores
19. Luggage shops
20. Men's and boys clothing and furnishing stores
21. Miscellaneous Apparel and accessory stores, including:
 - a. Bathing suit stores
 - b. Custom tailors
 - c. Shirt shops
 - d. Sports apparel stores
 - e. Uniform stores
22. Miscellaneous general merchandise stores, including:
 - a. Direct selling organizations
 - b. Mail order houses
23. Miscellaneous home furnishing stores, including:
 - a. Bedding and linen stores
 - b. Cookware stores
 - c. Cutlery stores
 - d. Glassware and China shops
 - e. Lamp and shade shops
 - f. Paint and wallpaper stores
24. Music stores
25. Newsstands
26. Proprietary stores
27. Radio and television stores
28. Sewing and piece goods stores
29. Shoe stores
30. Sporting goods stores
31. Tobacco shops
32. Variety Stores
33. Women's accessory and specialty stores
34. Women's ready to wear stores

2.036.15 Activity Type: Group Assembly

A. Intent and Limitations. This grouping includes the provisions of cultural, entertainment, educational and athletic services other than those classified as community facilities to large groups of assembled spectators and/or participants (500 or more) or that have a substantial potential impact upon adjoining property.

B. Use Listing:

1. Amusement parks and fairgrounds
2. Commercial campgrounds
3. Commercial resorts
4. Commercial sports arenas and playing fields
5. Racetracks for auto, motorcycle, dog, and horse

2.036.16 Activity Type: Professional Services- Medical

A. Intent and Limitations. This grouping is intended to include establishments primarily engaged in providing medical, dental, and other healthcare services to individuals. The grouping does not include services provided at general care facilities located within the Community Facilities Health Care.

B. Use Listing:

1. Chiropractors' offices
2. Dental offices and laboratories
3. Medical laboratories
4. Optometrists
5. Outpatient service physician offices and clinics
6. Psychologist and psychotherapist
7. Medical facilities

2.036.17 Activity Type: Professional services- Non-Medical

A. Intent and Limitations. This grouping is intended to include a broad listing of generally recognized professions other than medicine which are compatible with one another and tend to exert similar impacts upon their surroundings.

B. Use Listing:

1. Accounting, auditing, and bookkeeping services
2. Artist Studios
3. Attorneys and law offices
4. Consulting scientists
5. Educational and scientific research services
6. Engineering and architectural services
7. Songwriters and music arrangers
8. Urban Planning services
9. Writers and lecturers

2.036.18 Activity Type: Transient Habitation

A. Intent and Limitations. This grouping is intended to include commercial and institutional establishments engaged in furnishing lodging or lodging and meals on a fee basis.

B. Use Listing:

1. Hotels, Motels
2. Tourist homes or courts
3. Sporting and recreational vehicle camps

2.036.19 Activity Type: Vehicular, Marine craft, Aircraft and Related Equipment Sales, Rental and Delivery

A. Intent and Limitations. This grouping is intended to include the retail dealers selling new or used automobiles, boats, aircraft, recreational vehicles, utility trailers and motorcycles, repair shops and parts sales facilities are to be included along with gasoline service stations. This grouping is not intended to include automotive distributors to the greater part of whose sales are to dealers or to institutional or industrial uses (see wholesale trade- durable goods).

B. Use Listing:

1. Aircraft dealers

2. Auto and home supply stores
3. Boat dealers
4. Gasoline service stations
5. New and used motor vehicle dealers
6. Motorcycle dealers
7. Recreational and utility trailer dealers

2.036.20 Activity Type: Warehousing, Goods Transport, and Storage

A. Intent and Limitations. This grouping is intended to include establishments and facilities associated with the warehousing, storage, and transport of goods. Due to the very close relationship between these uses and manufacturing activity, and to the extensive impact of truck traffic associated with these uses, they are included within this grouping, even though certain aspects of these uses are closely aligned with wholesale trade activity.

B. Use Listing:

1. Freight forwarders
2. General Warehousing
3. Household goods storage
4. Local and long-distance trucking terminals
5. Packing and crating services
6. Refrigerated warehousing
7. Truck terminals and freight handling

2.036.21 Activity Type: Wholesale Sales

A. Intent and Limitations. This grouping includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets but excludes sale or storage of motor vehicles except for parts and accessories.

B. Use Listing:

1. Apparel, piece goods, and notions
2. Beer, wine and distilled alcoholic beverages
3. Chemicals and allied products
4. Drugs, drug proprietaries and sundries
5. Electrical goods and appliances
6. Farm products
7. Raw materials
8. Farm supplies
9. Furniture and home furnishings
10. Groceries and related products
11. Hardware, plumbing and heating equipment and supplies
12. Lumber and other construction materials
13. Machinery, equipment, and supplies
14. Metals and minerals
15. Motor vehicle and automotive parts and supplies
16. Paints, varnishes, and supplies
17. Paper and paper products
18. Petroleum and petroleum products
19. Sporting, recreational, photographic and hobby goods
20. Tobacco and tobacco products

21. Toys and supplies

2.037 Industrial Activities: Class and Types

2.037.1 Activity Type: Manufacturing- Limited

A. Intent and Limitations. This grouping is intended to include manufacturing operations which involve the compounding, processing, assembling, packaging, treatment, or fabrication of materials necessary to create the following products:

1. Apparel accessories such as hats, jewelry, and umbrellas
2. Art objects
3. Bakery goods
4. Nonalcoholic beverages
5. Dairy products
6. Instruments for scientific, medical, dental, engineering, and other professional purposes
7. Optical instruments and lenses
8. Printed matter
9. Signs

All activities and operations within this grouping shall in all respects comply on a continuous basis with the performance standards applicable within the MI Restrictive Industrial District.

B. Use Listing:

1. Book binding
2. Data processing service
3. Photocopying
4. Photo engraving
5. Precision machining of dies, jigs, and fixtures
6. Printing
7. Publishing
8. Record pressing
9. Upholstery

2.037.2 Activity Type: Manufacturing-Intermediate

A. Intent and Limitations. This grouping is intended to include a broad range of manufacturing operations. All activities and operations within this grouping shall in all respects comply on a continuous basis with the performance standards applicable within any industrial district. The grouping does not include the manufacturer, compounding, assembling, packaging, treatment, or fabrication of the following:

1. Cotton seed oil
2. Explosives
3. Fireworks
4. Organic fertilizers

B. Use Listing: Subject to the general intent and limitation set out above for this use grouping, all manufacturing activities and operations except the following shall be considered intermediate manufacturing.

1. Abrasive, asbestos, and non-metallic mineral processing. *(These activities may be considered as limited manufacturing activities if the use activity is conducted in completely enclosed structures.)*
2. Arsenals

3. Asphaltic cement plants
4. Atomic reactors
5. Automobile wrecking yards
6. Cement and/or concrete plants
7. Chemical manufacturing in excess of 1 ton per day
8. Cotton ginning. *(This activity may be considered as limited manufacturing activities if the use activity is conducted in completely enclosed structures.)*
9. Fat rendering
10. Foundries
11. Grain milling
12. Junk yards
13. Offal processing

2.037.3 Activity Type: Manufacturing- Extensive

- A. Intent and Limitations.** This grouping is intended to include all intermediate manufacturing activities described above and the exceptions made for that grouping, excepting the uses listed below.
- B. Use Listing:** The following activities are held to not fall within the general definition of extensive manufacturing activities. The definition of extensive manufacturing activities may be expanded to include the preceding exceptions upon the consideration of a specific proposed use by the Board of Zoning Appeals.
1. Arsenals
 2. Atomic reactors
 3. Explosives manufacturing and storage
 4. Fireworks manufacturing
 5. Radioactive waste handling

2.038 Agricultural and Extractive Activities: Class and Types

2.038.1 Activity Type - Agricultural Activities

- A. Intent and Limitations.** This grouping is intended to include a variety of service functions which are directly linked to the agricultural activities which these functions support.
- B. Use Listing:**
1. Crop drying, storage, and processing
 2. Crop planting, cultivating and protection services
 3. Horticultural services
 4. Soil preparation services
 5. Veterinary services for large animals

2.038.2 Activity Type: Crop and Animal Raising

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

2.038.3 Activity Type: Feed Lots and Stockyards

A. Intent and Limitations. This grouping is intended to include facilities and operations involved in the storage and feeding of animals for resale or slaughter, other than pasture grazing.

B. Use Listing:

1. Feed lots
2. Stock yards

2.038.4 Activity type - Mining and Quarrying.

A. Intent and Limitations. This grouping is intended to include operations and facilities either utilized by, or in support of, the extraction of minerals, ores, petroleum, and natural gas, or in the quarrying and collection of stone, gravel, sand, clay, and other non- metallic minerals (such as phosphate rock).

B. Use Listing:

1. Chemical fertilizer and non- metallic mineral mining
2. Clay, ceramic, and refractory minerals
3. Coal mining
4. Crude Petroleum and natural gas production and field
5. Metal ore and mineral mining
6. Sand and gravel quarrying
7. Stone quarrying

2.038.5 Activity Type: Plant and Forest Nurseries

A. Intent and Limitations. This grouping is intended to include the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees intended for ornamental, landscaping, or tree planting purposes.

B. Use Listing:

1. Forest nursery
2. Plant nursery

**ARTICLE III
GENERAL PROVISIONS**

SECTION

- 3.010 Scope**
- 3.020 Only One Principal Building On Any Lot**
- 3.030 Lot Must Abut a Public Street**
- 3.040 Rear Yard Abutting a Public Street**
- 3.050 Corner Lots**
- 3.060 Future Street Lines**
- 3.070 Reduction in Lot Area Prohibited**
- 3.080 Obstruction to Vision at Street Intersection Prohibited**
- 3.090 Access Control**
- 3.100 Accessory Use Regulations**
- 3.110 Accessory Dwelling Units *(Added by Ordinance #888, December 2023)***
- 3.120 Buffer Strips**
- 3.130 Site Plan Requirements *(Amended by Ordinance 705, June 30, 2003)***

3.010 Scope of the Zoning Ordinance. For the purpose of the Zoning Ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the Town as a whole.

3.020 Only One Principal Building On Any Lot. Building and its customary accessory buildings may hereafter be erected on any residential lot. This provision does not prohibit apartments or other similar complexes as permitted under Article 5, Section 5.051.4, or Section 5.052.3.

3.030 Lot Must Abut A Public Street. No building shall be erected on a lot which does not abut at least one publicly approved and accepted street for a distance of at least 25 feet.

3.040 Rear Yard Abutting a Public Street: When the rear yard of a lot abuts a public street all structures built in the rear yard shall observe the same setback from the street, right of way line, center line of the street, or property line as required for adjacent properties which front the street. In addition, any structure located within 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.

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

3.060 Future Street Lines. For the purpose of providing adequate space for the future widening of streets, required setbacks or front yards shall be determined by the right of way as shown in the most current official Centerville, Tennessee Major Thoroughfare Plan.

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

3.080 Obstruction to Vision at Street Intersections and Railroad Intersections Prohibited. On a corner lot in any district within the area formed by the central lines of the intersecting or intersecting streets and/ or railroads and a line joining points on such center lines, at a distance of 75 feet from their intersection, there shall be no obstruction to vision between the height of 3 1/2 feet and a height of 10 feet

above the average grade of each street and/ or railroad at the center line thereof the requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090 Access Control. In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflict by reducing the points of contact, the following regulation shall apply:

- A. A point of access for vehicles onto a street shall not exceed 30 feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. There shall be no more than two points of access to any one public street for each 400 feet of lot frontage or fraction thereof, provided, however, that lots less than 100 feet in width shall have no more than one point of access to any new public street.
- C. No point of access shall be allowed within 20 feet of the right of way line of any public intersection.
- D. No curbs on city streets or right of way shall be cut or altered without written approval of the Centerville Street Superintendent, or, if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between driveway shall not be less than 25 feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitation shall be heard and acted upon by the Board of Zoning Appeals. Provided further that no curb cuts for off street, automobile storage, or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

3.100 Accessory Use Regulations. The use of land, buildings, and other structures permitted in each of the districts established by this Ordinance are designed by listing the principal uses. In addition to such principal uses, Accessory uses, which are customarily incidental to the permitted uses, 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 use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

3.110. Accessory Dwelling Units *(Added by Ordinance #888 , December 2023)*

3.110.1 General.

- 1. Purpose Statement.** The purposes of the proposed accessory dwelling unit regulations are to:
 - A. Create new housing units while respecting the look and scale of single-family dwelling development.
 - B. Increase the housing stock in existing neighborhoods in a manner that is less intense than alternatives.
 - C. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures.
 - D. Provide a mix of housing options that responds to changing family needs and demands for smaller households.
 - E. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.
 - F. Promote a broader range of attainable and affordable housing.

2. **Building Codes.** Accessory dwelling units are subject to the applicable state and local building code standards.
3. **Home Occupations.** Home occupations are not allowed to be conducted in an accessory dwelling unit, subject to the standards for home occupations in the Zoning Ordinance.
4. **Utility Services.** Accessory dwelling units shall be connected to the water, wastewater, electric, gas, and other utilities of the principal dwelling.

3.110.2 Applicability.

- A. **Applicability.** Accessory dwelling units are allowed in the R-1 District (Low Density Residential); only, subject to the provisions of this section.
- B. **Permitted Accessory Use.** Accessory dwelling units shall be a permitted accessory use to a single-family dwelling in the R-1 as a separate, detached structure on a lot where a single-family dwelling already exists.

3.110.3 Property Ownership and Occupancy.

- A. **Owner-Occupied Property Required.** Accessory dwelling units shall only be permitted when the property owner or a member of his/her immediate family lives on the property, within either the principal dwelling or accessory dwelling unit. Before issuance of a Certificate of Occupancy, the owner shall submit a notarized letter stating that he/she or a member of his/her immediate family will occupy one of the dwelling units on the premises as a primary residence.
- B. **Deed Restriction.** Before obtaining a Certificate of occupancy for an accessory dwelling unit, the property owner shall file with the Hickman County Register of Deeds in a form acceptable to the City of Centerville, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating:
 1. That either the principal or accessory dwelling unit on the property shall be occupied by the owner of the property or a member of his/her immediate family.
 2. The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor shall the lot be subdivided to provide a separate lot for the accessory dwelling unit.
 3. The above restrictions shall run with the land and are binding upon any successor owner of the property.
 4. The deed restrictions shall lapse upon removal of the accessory dwelling unit.
 5. Upon verification of such removal, the City of Centerville shall record appropriate documentation releasing such encumbrance. Any fees associated with such release shall be borne by the property owner.
- C. **Registration.**
 1. Accessory dwelling units are required to be registered with the Town of Centerville to ensure compliance with applicable regulations and to assist the community in assessing housing supply and demand.
 2. No accessory dwelling unit shall be occupied until the owner obtains an occupancy permit for the dwelling unit from the Town of Centerville Building Official. The requirement for permitting is to ensure that:
 - a. The applicant is aware of all Town regulations governing accessory dwelling units.
 - b. The Town of Centerville has all information necessary to evaluate whether the accessory dwelling unit initially meets and continues to comply with applicable requirements.

- c. The accessory dwelling unit meets health and safety requirements; and
- d. The distribution and location of accessory dwelling units is known.

3.110.4 Design and Development Standards.

- A. Intent.** These design and development standards are intended to ensure that accessory dwelling units:
1. Are compatible with the desired character and livability of the zone districts and neighborhoods within which they are located.
 2. Respect the general scale of buildings and placement of structures to allow sharing of common space on the lot, such as yards and driveways; and
 3. Are smaller in size than the principal dwelling on the site.
- B. Number of Residents** The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a family as defined in the Centerville Zoning Ordinance.
- C. Exterior Design.** An accessory dwelling unit shall be designed to maintain the architectural design, style, appearance, and character of the principal dwelling.
- D. Bulk Limitation.** The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal dwelling and shall not exceed ten percent of the total area of the lot.
- E. Underlying Zoning and Density.** Unless specifically addressed in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zone district with regard to lot and bulk standards (setback/yard requirements, building coverage).
1. Accessory dwelling units re limited to single story only.
 2. Where permitted pursuant to this Section, one accessory dwelling unit may be permitted on a lot in addition to the principal single-family dwelling.
 3. Other permitted accessory buildings or uses, as defined herein, may be allowed in addition to the principal single-family dwelling, provided the maximum lot coverage for the lot is not exceeded and setbacks maintained.
- F. Lot Standards**
1. The minimum lot size for a lot that has both a primary dwelling unit and an accessory dwelling unit is one acre.
 2. One accessory dwelling unit is permitted per residential lot.
 3. The accessory unit shall be located on the same lot as the principal unit.
- G. Size**
1. The maximum floor area of an accessory dwelling unit may be no more than 800 square feet, whichever is less. Detached accessory dwelling units that exceed 800 square feet in size shall be approved only through the Special Exception process set forth in Article 8 of the Centerville Zoning Ordinance.
 2. The minimum living space of an accessory dwelling unit, not including bathrooms and closets, is 220 square feet.
- H. Location of Entrances and Access**
1. **Detached Units.** Accessory dwelling units that are detached from the principal dwelling:

- a) May utilize an existing street-facing front façade entrance as long as the entrance is located a minimum of 20 feet behind the wall plane of the front façade of the principal dwelling, or
- b) Install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the side, rear, or interior of the lot.
- c) Shall be located no closer than 30 feet from the front property line and
- d) Shall take access from an alley when one is present.

2. Corner Lots. On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear or internal lot line or toward the back of the principal dwelling.

I. Prohibited Structures. Mobile homes, manufactured housing, industrialized housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

J. Parking. One additional on-site parking space shall be provided for an accessory dwelling unit. The Centerville Building Official may reduce this requirement upon a finding that the parking requirement for the principal dwelling is met and/or that adequate on-street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area.

3.120 Buffer strips. Where it uses established in areas zoned non-residential, such as C-1, C-2, C-3, I-1, and I-2, which abuts at any point upon properties zoned residential, such as R-1, R-2, R-2A, R-3, and R-4, the developer of said use shall provide a buffer strip as defined herein at the point of abutment.

3.130. Site Plan Requirements. The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular types of development proposals, to the Centerville Municipal-Regional Planning Commission in accordance with the following procedures:

- A. Proposals for the construction or location of one or more principal structures on a lot, with the exception of single family and two family dwellings where there is only one structure per lot, shall be submitted at a scale no smaller than one inch equals 100 feet, and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, landscape treatment, required building setbacks, topographic contours not greater than 5 foot intervals, drainage plans, floodable areas (if applicable), location of existing and proposed utility lines, and location of all easements, right of ways, in accordance with Article 3, General Provisions, outlined in this Ordinance.
- B. The above applications must be supported by any other information or data as might be deemed necessary by the Centerville Municipal- Regional Planning Commission.
- C. Consult Appendix B, Site Plan Checklist, of this Ordinance, to obtain the specifically enumerated requirements for all site plans before the Centerville Planning Commission.

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

SECTION

- 4.010 Off Street Parking Requirements**
- 4.020 Off Street Loading and Unloading Requirements**
- 4.030 Temporary Use Regulations**
- 4.040 Customary Incidental Home Occupations**
- 4.050 Fallout Shelter Restrictions**
- 4.060 Gasoline Service Station Restrictions**
- 4.070 Sign Regulations**
- 4.080 Development Standards for Automobile Wrecking, Junk, and Salvage Yards**
- 4.090 Development Standards for Bed and Breakfast Establishments**
- 4.100 Minimum Design Standards for Transmission and Communication Towers and Stations**
- 4.110 Provisions Governing Security Residences**
- 4.120 Guidelines for New Cemeteries**

4.010 Accessory Off-Street Parking, General Purpose, Applicability, and General Provisions.

4.010.1 General Purpose. The following regulations on accessory off street parking spaces are adopted in order to provide needed spaces off the streets for parking in connection with all activities which may be located in the city and region, to reduce traffic congestion resulting from using the streets as places of storage of automobiles, to protect the character of neighborhoods, to provide for a higher standard of residential development within the area, and thus promote and protect the public health, safety, and general welfare.

4.010.2 Applicability. The provisions of this Chapter apply to all permitted activities as set forth in the various articles of this Ordinance.

4.010.3 General Provisions. In all districts, accessory off street parking, open or enclosed, shall be provided in conformity with the requirements set forth in this Section for all uses permitted by right or as a conditional use. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the use of such development. A parking space is required for a portion of a unit of measure $\frac{1}{2}$ or more of the amount set forth herein. For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measurement specified herein, this same requirement shall apply to such net increase in floor area or other specified unit of measurement. In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time of operation of such facilities, their location and other such factors as affect the need for off street parking as required under the conditional use provisions.

4.014 Off Street Parking Requirements. Off street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be 162 square feet in size (9'x18') 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.

A. Residential activities.

1. Permanent

- A. *Single family- detached and attached; townhouses; condominiums; two- family dwellings detached, attached and semi-detached* - One space for each dwelling unit with two bedrooms or less; 2 for each dwelling unit with more than two bedrooms.
- B. *Multifamily dwelling- Three or more-* 1.5 spaces for each dwelling unit with two bedrooms or less. Two spaces for each dwelling unit with more than two bedrooms.
- C. *Mobile homes-* One space per mobile home.
- D. *Elderly-* Where occupancy is to be primarily elderly persons over the age of 16, the number of developed spaces may be reduced to 1 space per unit. There must be room on the lot to provide 1.5 spaces in the future.

2. Semi-permanent.

- A. *Boarding or rooming house, apartment, hotel-* One space for each dwelling or rooming unit.

B. Community Facility Activities.

- 1. **Cultural and Recreational Services:** Accessory off street parking shall be provided for the specified number of square feet of gross area or seating capacity or other specified unit of measurement, or fraction of ½ or more thereof for the following specified uses within the activity types indicated:
 - a. *Art galleries, museums, libraries:* One space for each 800 square feet of gross floor area.
 - b. *Swimming pools:* 30% of capacity in persons.
 - c. *Parks, playgrounds, and athletic fields:* Ten spaces for every acre of land devoted to field, plus one space for every four spectator seats.
 - d. *Recreation centers and gymnasiums, public or nonprofit:* 50% of the capacity in persons plus one space for each two employees.
- 2. **Essential Public Transport Communication and Utility Services:**
 - a. *Electric and gas substations:* Two spaces.
- 3. **Administrative Services: Government Offices:** One space for each 300 square feet of gross floor area, plus one for every three employees.
- 4. **Community Assembly:** 50% of the capacity in persons.
- 5. **Education Facilities- Public and Private Schools.**
 - a. *Kindergarten and nursery:* One space for each employee.
 - b. *Elementary and middle schools (grades 1 through 7):* two spaces for each classroom or one space for each five seats in the auditorium, whichever is greater.
 - c. *High school (Grades 8- 12):* Four spaces for each classroom, or one space for each five seats in the auditorium or stadium, whichever requires the greater number of spaces.
 - d. *Vocational or trade schools:* Minimum of 1 space for each 1,000 square feet of gross floor area used for classrooms, plus one space for each six seats in any auditorium on same lot as the school.
- 6. **Extensive Impact Facilities.**

- a. *Airports, Heliports, or Aeronautical devices*: One space for every two employees, plus one space for every 100 square feet of gross floor area.
- b. *Detention or correctional institutions*: One space for every two employees, plus one space for each patrol car on the largest shift.
- c. *Electricity generating facilities, radio and television towers, and transmission facilities*: Minimum of two spaces. The Planning Commission may require more.
- d. *Railroad, bus, and transit terminals for passengers*: One space for each 100 square feet of waiting room.
- e. *Railroad yards and other transportation equipment, marshalling, and storage yards*: 1 space for every two employees.
- f. *Water and sewage treatment plants*: one space for every employee.

7. Health Care Facilities.

- a. *Hospitals*: 1.5 spaces for each bed.
- b. *Medical or dental clinics*: Three spaces for each staff member or doctor or dentist.

8. Intermediate Impact Facilities- The number of required parking spaces will be determined by the Planning Commission based on site plan review.

9. Special Personal and Group Care Facilities.

- a. *Daycare centers*: One space for each employee.
- b. *Family and group care facilities*: One space for every employee.
- c. *Nursing homes or convalescent homes*: One space for each staff member or employee, plus one space for each two patients.
- d. *Retirement or rest homes*: One space for each staff member or employee, plus one space for every two residents.

10. Religious Facilities- All Uses. One space for each three seats.

C. Commercial Activities

- 1. **Uses located on freestanding sites**: One parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250 in the column labeled *Gross Floor Area*, this means one parking space is required for every 250 square feet of gross floor area in the building or rooms to be used for each activity.

Activity Type	Gross Floor Area in Square Feet
Retail trade- Apparel and accessories	250 plus one for each business vehicle
Retail Trade- Automotive, Marine craft, and Aircraft sales, Rental and Delivery	500
Retail- Building materials, farm equipment and hardware	1,000 + 1 space for every two employees
Retail trade- Eating and drinking establishments	100
Retail trade- Food stores	a. Limited line convenience - 150 b. All other uses- 500
Retail trade- General merchandise	a. Department store- 250 b. Variety store - 250 c. Miscellaneous general merchandise store- 1,000
Retail trade- home furniture, furnishings, and equipment	250
Convenience sales	150
Wholesale sales- all uses	1,000

Service Activities.

Activity Type	Gross floor area in square feet.
Animal Care and Veterinarian Services; Veterinary Hospital	300
Automobile services and repair	One space for each employee, plus two spaces for each service bay
Business services	400 + 1 space for each vehicle
Communication services	300
Contract construction services	300
Equipment repair services	300
A. Entertainment and Amusement	a. <i>Art Galleries</i> - 800 b. <i>Bowling alleys</i> - 5 spaces for each alley c. <i>Billiard parlor</i> - 300 d. <i>Coin operated arcades</i> - 200
B. Commercial recreation	a. <i>Dance halls and skating rink</i> - 100 b. <i>Golf courses, driving range, putt-putt course</i> - as determined by Planning Commission. c. <i>Exhibitions, halls, auditoriums, amphitheaters</i> - 40% of capacity in persons. d. <i>Riding stables</i> - Minimum of five spaces plus one for each employee. e. <i>Boat docks, boat rental marinas, botanical or zoological gardens</i> - one space for each employee plus other spaces as determined by the Planning Commission. f. <i>Motion picture theater</i> - One space for each five seats. g. <i>Motion picture drive in theater</i> - Reservoir of 10% above all spaces plus 1.5 spaces for each two employees. h. <i>Legitimate theater</i> - One space for each five seats.

	<ul style="list-style-type: none"> i. <i>Recording, Television, and Radio Studios</i>- Two spaces for each employee. j. <i>Resorts and group camps</i>- One space for each employee at peak season, plus other spaces as required by Planning Commission. k. <i>Fairgrounds, amusement parks, carnivals, circuses</i>- Parking plan must be presented to Planning Commission
Insurance and Real Estate services- all uses	400
Gasoline service station	500 + 2 spaces for each service bay and one for each employee
Personal services	<ul style="list-style-type: none"> a. <i>Funeral, undertaking services</i>-One space for each 100 square feet of gross floor area, or where a chapel is provided, one space for each four permanent seats, plus one for every 25 square feet of parlor area where temporary seats are to be used. b. <i>All other services</i>- 300.
Professional services	<ul style="list-style-type: none"> a. <i>Medical</i>- 400 + 1 for each staff or doctor. b. <i>All other</i>- 400
Transient habitation	<ul style="list-style-type: none"> a. <i>Hotel, motel, tourist homes, or courts</i> -One space for each room to be rented, plus one space for each three employees. b. <i>Sporting and recreational vehicle camps</i>- One space for each travel vehicle or pad.

D. Industrial Activities- Where three or more commercial operations (retail, wholesale, or service activities) are grouped together such that they share a building or a common site, the number of parking spaces shall be 5.5 spaces per 1,000 square feet of gross leasable area.

- 1. Warehousing, Foods or Freight Transport, and Storage:** one space for each 5000 square feet of gross floor area, plus one space for each 10,000 square feet of open storage. A minimum of five spaces shall be provided by any establishment.
- 2. Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards:** One space for each 1,000 square feet of gross floor area, or one space for each 8,000 square feet of gross floor area, whichever is greater.

E. Agricultural, Resource Production, or Extractive Activities.

1. *Agricultural Services:* One space for each employee and for veterinary services for livestock, 1 space for each 300 square feet of gross floor area.
2. *Plant and Forest Nurseries:* Five spaces plus one space for each 5 acres.
3. *Mining and Quarrying:* 1.5 spaces for every two employees.

4.015 Certification of Minimum Parking Requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Section are met.

4.016 Combination of Required Parking Spaces. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned

to another use, except that the parking space required for churches, theatres, 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.

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

4.018 Extension of Parking Area into a Residential District. Required parking spaces may be extended 100 feet into a residential district provided that:

- A. The parking area adjoins a commercial or industrial district.
- B. The parking space in this area have their only access to or front upon this same St. as the property and commercial or industrial districts for which it provides the required parking spaces.
- C. The parking area is separated from abutting properties in the residential districts by a buffer strip.

4.019 Requirements for Design of Parking Lots.

- A. 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 vehicles required to back into a public St. to obtain egress.
- B. Parking space shall be no less than 200 square feet in area, but up to 25% of the spaces may be 9’x18’ to provide for smaller cars. Angled parking schemes may also be considered by the Planning Commission.
- C. Entrances and exits for all off street in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

4.020 Off-Street Loading and Unloading Requirements. Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table. The Board of Zoning Appeals may reduce or increase this requirement in the interests of safety where unusual or special conditions are due consideration.

Total usable floor area for principal building	Spaces Required <i>See Article 2 for Definition</i>
Zero to 4,999 square feet.	One space.
5000 to 9,999 square feet.	Two spaces.
10,000 to 14,999 square feet.	Three spaces.
15,000. To 19,999 square feet.	Four spaces.
Over 20,000 square feet.	Four spaces, plus one space for each additional 20,000 square feet.

4.030 Temporary Use Regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a temporary use permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized in a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulation of any district in which such use is located.

- A. *Carnival or Circus:* May obtain a temporary use permit in the C-2, R-4, I-1, or I-2 districts. However, such permit shall be issued for a period of no longer than 15 days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. *Christmas Tree Sales:* May obtain a 30-day temporary use permit for the display and sale of Christmas trees on open lots in any district.
- C. *Temporary Buildings:* Use permit may be issued for contractors, temporary office and equipment sheds incidental to the construction project. Such permits shall not be valid for more than one year but may be renewed for six-month extensions; However, not more than three extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project or upon expiration of temporary use permit, whichever occurs sooner.
- D. *Religious Tent Meetings:* In any district, a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a 30 day. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. *Temporary Dwelling Unit in Cases of Special Hardship:* In any residential district, a temporary use permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion, or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction, and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Centerville Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine months. A permit may be renewed for up to six months at a time, the total time for all permits not exceeding a total of 18 months.

4.040 Customary Incidental Home Occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional offices of an architect, artist, dentist, engineer, lawyer, physician and the like, barber and beauty shops, tailor shops or the accommodation of not more than two boarders) conducted by members of the family residing on the premises or principal dwelling unit. In connection with the home occupation, no stock or trade shall be displayed outside the dwelling, and no alteration to any building is being utilized in whole and part for any purpose other than residential unit, including permitted accessory buildings. An announcement sign of not more than four square feet in area is permitted. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sale business or other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050 Fallout Shelter Restrictions. Fallout shelters are permitted as principal or accessory uses and structures in any district subject to the yard and lot coverage regulations of the district. Areas of underground fallout shelters extending not more than 30 inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear setback requirements to permit construction of joint shelters by two or more property owners provided, however, that side and rear setback requirement shall be met where a property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060 Gasoline Service Station Restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all streets right of way lines of a distance of not less than 40 feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than 15 feet to any street right of way line.
- C. Sign requirements are established in Article 4, Section 4.080, shall be met.

4.070 Sign Regulations. The following regulations shall govern the placement and character of all types of signs in all districts. They are established as a reasonable and impartial method of regulating advertising structures in order to ensure light air and open space; to reduce traffic hazards, to reduce glare and intrusions into residential areas, and to protect property values of the entire community. These regulations shall apply to all exterior signs. All accessory business, freestanding business advertising signs, and special event signs shall require a sign permit from the Office of the Centerville Building Inspector. All other allowed signs shall not require permits but shall be deemed illegal if they are not in any way in conformance with these regulations.

A. Exclusion from Sign Regulations: The following shall not be subject to the provisions of this Section:

- 1. Signs provided or required by a duly constituted governmental body.
- 2. Flags or emblems of a political, philanthropic, educational, or religious organization.
- 3. Memorial plaques or tablets.
- 4. Temporary signs for a period not to exceed 45 days announcing a campaign, drive, or event of the organization listed in #2 above.
- 5. Small signs not to exceed one by two feet in size, used for the direction or convenience of the public, such as entrance and exit signs.
- 6. Small realty signs as defined.
- 7. Decals affixed to windows or door glass panes, including painted messages.

B. General Regulations: In all zoning districts, the following general regulation shall apply:

- 1. No sign shall be erected or maintained whereby reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure, interfere with the view of traffic, or be confused with any authorized traffic control sign signal device or emergency vehicle.
- 2. No illuminated sign shall be permitted within 100 feet a 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 sign shall exceed the maximum height of buildings for the district in which it is located.
- 4. Advertising signs shall be erected or placed in conformity with the side front and rear yard requirements of the district in which it is located. However, no advertising sign shall be erected or placed closer than within 50 feet of any residential district.
- 5. No sign shall be located in or project across any street or alley right of way.
- 6. No flashing signs shall be allowed.
- 7. Inflatable signs and objects, including but not limited to balloons, shall not be allowed.
- 8. Posters or handbills affixed to trees or other natural vegetation, rocks or utility poles shall not be allowed.

9. Animated and moving signs, including but not limited to, pennants, banners or flags with commercial messages, streamers, propellers, discs, and searchlights shall not be allowed.
10. Political campaign signs shall be allowed on private property only.
11. Temporary yard sale signs shall be allowed on private property only.
12. Protection of First Amendment Rights- Any sign, display, or device allowed under these regulations may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operator for profit or to a commodity or service for sale, and that complies with all of the requirements of this Ordinance.

C. Residential District Regulations-Within all residential districts, the following regulations shall apply:

1. These signs are permitted: Civic, Development, Large Realty and Residential.
2. The maximum size of any permitted sign shall be 25 square feet.
3. Any lighting shall be either indirect or luminous background.
4. All other types of signs are prohibited.
5. Within the R-4 District, accessory business signs are permitted subject to the following restrictions:
 - a) Each lot shall be permitted one accessory sign not exceeding 50 square feet in size, attached flat against the front of the principal building.
 - b) An additional free-standing sign may be permitted not to exceed 25 square feet in size and 10 feet in height. Such freestanding signs shall not be illuminated.

D. Commercial and Industrial District Regulations: The following regulation shall apply to such districts as indicated:

1. Within all districts, these signs are permitted: Civic, Development, Large Realty, and Residential.
2. Within all commercial and industrial districts, accessory business signs are permitted subject to the following restrictions:
 - a) Each lot occupied by a business may have one free standing business sign not attached to the building with the maximum size of 100 square feet. Where more than one business is located on a single lot, only one freestanding sign shall be permitted not to exceed 100 square feet in size.
 - b) Each business may have an additional wall mounted sign which shall not extend above the roof line or beyond the side walls of the building. In a shopping center, each business may also have an identification sign which hangs or projects from the wall and does not exceed one by two feet in size.
 - c) Within the C-1 District, signs may project or hang over a sidewalk, provided such sign is at least nine feet above the level of the sidewalk and does not exceed one by three inches in size.
3. Advertising signs (billboards) are permitted within the C-3, I-1, and I-2 districts only, subject to the following regulations.
 - a) The maximum size shall be 300 square feet.
 - b) The minimum distance between sign shall be 500 feet.
 - c) No such sign shall be constructed on the roof of the building.
 - d) No such sign shall be located within 50 feet of a residential boundary, nor within 100 feet of a residential building. Light or glare shall not be permitted to intrude into a residential area.
4. Portable signs may be permitted by special request to the Planning Commission. Such signs may be used to advertise special sales or events for a period not to exceed 30 days. After such 30-day period expires, said sign shall be removed and another permit for a portable sign shall not be granted on the same lot for a period of 90 days. No more than one such sign may be permitted on any lot.

4.080 Development Standards for Automobile Wrecking, Junk, and Salvage Yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect

property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses such as those outlined above will have properly minimized their objectionable characteristics.

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 300 feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operation shall be conducted entirely within an enclosed opaque fence, screen, or wall, except driveway areas from 8 to 12 feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yard shall be so maintained as to be in a sanitary condition, and so as not to be a menace to the public health or safety.
- E. Off road parking: as regulated in Article 4, Section 4.010.
- F. Ingress and egress: The number of vehicular access driveways permitted on any single St. frontage shall be limited to:
 - 1. One driveway where the parcel to be used has a maximum road or street frontage of 100 feet or less.
 - 2. Two driveways where the road or straight front street frontage exceeds 100 feet. Driveways used for ingress and egress shall be limited to 25 feet in width maximum, exclusive of curb returns.
- G. **Application for Automobile Wrecking, Junk, or Salvage Yard Permit:** No person shall own or maintain an automobile wrecking junk or salvage yard within Centerville until they have secured a permit from the Centerville Building Inspector. An application for said permit shall be filed in accordance with Article 8, Section 8.030 of this Ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. A decision may be appealed to the Board of Zoning Appeals in accordance with Article 8, Section 8.070.

4.090 Development Standards for Bed and Breakfast Establishments: The purpose of this Chapter is to authorize and regulate the establishment and operation of Bed and Breakfasts in the town of Centerville, and to ensure the preservation of the character, integrity, and property values of surrounding areas where such facilities would be located and maintained.

A. Definitions.

- 1. **Bed and Breakfast Homestay:** A home occupation that provides one to three rooms for occasional paying guests on an overnight basis for periods not to exceed 14 days. With one daily meal being available on the premises, the maximum number of guests is not to exceed 6 individuals per night. A Bed and Breakfast Homestay is allowable only in a building originally constructed as a single-family residential dwelling.
- 2. **Bed and Breakfast Inn:** An operator or an owner-occupied home that provides 4 to 12 rooms for paying guests on an overnight basis for periods not to exceed 14 days, with one daily meal being available on the premises. The maximum number of guests is not to exceed 24 individuals per night. A Bed and Breakfast Inn is allowable only in a building originally constructed as a single-family residential dwelling.
- 3. **Bed and Breakfast, Country Inn:** A Bed and Breakfast Inn that also maintains facilities for group and/or special event activities. Such facilities may include a dining area for meals other than breakfast

for guests, a catering service, a conference/meeting/gathering rooms, or an outdoor activity area. The maximum number of guests is not to exceed 24 individuals per night.

B. Application process.

1. No Bed and Breakfast businesses shall be established within the Town of Centerville without first following through with the application process established by this Section. The applicant will submit 8 copies of the following: application requirements, site plan and other supporting documentation, if any, to the Code Enforcement Officer, along with the non-refundable application fee of \$100. This fee shall be collected for each annual renewal hereafter.
 - a) The Codes Enforcement Officer shall place the applicant on the next available agenda for the Town of Centerville Planning Commission. That body will review the materials presented in order to render recommendation to the Board of Zoning Appeals on whether to grant the Special Exception.
 - b) Provided that the Board of Zoning Appeals grants the exception in a public hearing, the Code Enforcement Officer will be established upon the applicants request an official review of the site plan and supplemental documentation by the Planning Commission to render the final decision on the development.
 - c) The power to issue the Bed and Breakfast permit and continually review the establishment for compliance with this Chapter of the Zoning Ordinance each and every year shall be vested in the Codes Enforcement Officer.

C. The application requirements:

1. The application shall include a one-page summary detailing the following elements.
 - a) Name, address, and telephone number of the owners and applicant if the owner is not the applicant.
 - b) Address of proposed Bed and Breakfast together with tax parcel identification number.
 - c) Zoning district classification of the site.
 - d) A sketch drawn to scale a showing the floor plan of the dwelling, the signage, and a rendering or thorough explanation of any proposed changes through renovations and additions to the same.
2. Copies of all required food servers and/or lodging permits from the County and/or State health departments, or documentation to the effect that such permits are not required under the applicant circumstances from these governmental entities.

D. Site Plan requirements: The slight plan shall be completed by a Tennessee licensed surveyor or engineer, illustrating the following:

1. The applicants entire land holdings, that portion of the applicant's property under consideration, as well as parcels and streets within 200 feet of applicant's property, including the current uses of those parcels.
2. The site plan shall be drawn to scale and include the following information:
 - a) Title of drawing.
 - b) North Point, scale, and date.
 - c) Boundaries of the project site.
 - d) Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking areas, streets, retaining walls, fences, and hedges.
 - e) Location of all existing or And proposed access and egress drives.
 - f) Location, design and size of all existing and proposed signs and outdoor lighting facilities.
 - g) Location of existing or proposed buffer and screening areas, structures, and vegetation.
 - h) Floodplain notation.

E. Supplementary Provisions:

1. The owner or operator of the Bed and Breakfast Inns and Homestays must reside in and continue to reside in the dwelling as their principal residence.
2. In residential areas, one yard sign shall be permitted. The sign shall not exceed 6 square feet, nor shall the sign exceed 15 feet from the front property line or more than five feet away from any side yard property line. The illumination shall be from no more than two 75-watt bulbs pointed directly at the signage and shielded to reduce glare. The signage shall contain no information other than identification of the premises as the named Bed and Breakfast establishment.
3. At a minimum, parking shall be provided as required by the minimum parking regulations of the applicable district provided, however, that one additional parking space shall be required for each guest room and for one employee, if any. In all residential districts, the minimum parking setback from an adjacent property line shall be 15 feet and when four or more guests or employee parking spaces are provided, the parking area shall be screened from direct view if any adjacent residential uses by a visual barrier. This barrier shall consist of a double row of plantings and be placed no more than eight feet apart. The required evergreens shall be planted as to provide the most complete visual barrier as possible.
4. No exterior alterations will be permitted to facilitate the commercial interest of the Bed and Breakfast enterprise that is not in character with the existing neighborhood.
5. Minimum lot size for Bed and Breakfast Homestay must be 10,000 square feet.
6. Minimum house size for a Bed and Breakfast Homestay must be 2000 square feet.
7. No more than one employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 PM and 6:00 AM. Members of the owner's immediate family who are residents on the premises should not be considered employees, regardless of compensation.
8. No guest may be registered for a maximum continuous stay in excess of 14 consecutive nights. The owners shall maintain a guest register and shall preserve registration records, including registrants, addresses, fees collected and dates of occupancy for a minimum of three years. The register and pertinent record shall be made available for inspection by the code enforcement officer at any time.
9. Cooking facilities are prohibited in guest bedrooms.
10. The owner shall not make any change, deviation, modification, or variation to the establishment as described or illustrated in the application requirements, or site plan after it is approved by the Planning Commission.
11. The Code Enforcement Officer shall be given such access to the establishment from time to time for the purpose of making inspections to ensure compliance with all applicable codes and regulations. Such inspections may be made with or without prior notice thereof.
12. Noncompliance of any of these provisions shall manifest in one written warning per infraction. If said infraction is not brought into compliance within 30 days, the Code Enforcement Officer shall revoke the establishments permit and the use of the premises as the Bed and Breakfast establishment shall immediately cease. The continuation thereof may subject the owner to legal actions as the municipality determines.
13. The Board of Zoning Appeals reserves the right to impose and include more or additional conditions to the provisions of this Section as it deems necessary to reduce friction between the Bed and Breakfast establishment and its surrounding neighborhood.

4.100 Minimum Design Standards for Transmission and Communication Towers and Stations. It is the intent of this Section to avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, and maintained while ensuring such towers are compatible with the surrounding land uses. The purpose of this Section is also to promote and encourage shared use/collocation of such towers and antenna support structures as a primary option rather than the construction of single use towers.

A. Definitions.

1. **Antennas.** Any exterior apparatus designed for telephonic radio or television communications through the sending and/or receiving of electromagnetic waves.
2. **Height.** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
3. **Guyed Tower.** A tower that is supported and secured to the ground by a series of tethered wires.
4. **Safe Tower.** A tower that is specifically engineered to collapse in on itself, with the debris taking approximately 10% of the tower height. Monopole towers may be engineered for this feature, but not always self-supporting. Steel lattice towers are synonymous with the industry term safe towers.

4.101 Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers.

All transmitter stations, including towers and operating equipment located within Centerville shall be allowed as a Special Exception in any district and shall adhere to the following standards.

- A. All towers with a height of 150 feet from base to top or more shall be constructed in accordance with Electronic Industries Association standard 222E-1996, utilizing a wind rating of 80 mph plus ice loading for Centerville, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- B. All towers shall be set back from all property lines and leasehold lines a distance that is equal to:
 1. 10% of height plus an additional 5 feet on all sides as measured from the base of the leg of a safe tower with a minimum lot size of 10,000 square feet.
 2. For a guyed tower or a standard tower, setbacks will assume 50% of its maximum height and thereby comprise the lot size.
 3. *Fencing:* The entire site in either fee simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six feet in height. Access gates will be locked at all times when the site is not occupied.
 4. *Screening:* Where the tower site abuts, is within, or is contiguous to any residential district, there shall be provided a continuous solid screening, and it shall be of such plant materials as will provide a reasonable year-round evergreen screening. Screening as required herein shall be not less than four feet in height at the time of planting and shall be permanently maintained by the leaseholder or owner of the subject property (see definition of buffer strip.) In locations where natural timber growth previously exists and suffices to meet these definitions to the satisfaction of the Enforcing Officer, no additional screening is required. If natural timber growth exists, but it is not to the satisfaction of the Enforcing Officer, additional screening is required to augment the natural growth to meet the aforementioned definitions.
 5. *Tower Illumination:* towers shall now be artificially lighted, except as required by the Federal Aviation Administration.
 6. *Access and Parking:* An access drive is required to the site and shall be a minimum of 20 feet in width at ingress and egress, being adequate for passage of automobiles and small trucks. The easement shall expand at the tower site to a minimum of 25 feet at the site, allowing for two parking spaces.

4.102 Amateur Radio Stations.

1. No tower shall be placed within any required front, side, or rear setback area.

2. Towers shall be placed behind the rear building line of the principal structure of the lot.
3. All towers shall be properly grounded as per National Electric Code 810, Section C.
4. Amateur towers greater than 100 feet in height are subject to the following additional provisions:
 - a) At no time shall the fall radius of the tower include any habitable structure not owned by the amateur.
 - b) The applicant shall provide documentation of ownership, lease, or permanent easement rights for the entire fall radius of the tower.
 - c) The tower shall be equipped with guards or other devices to prevent it from being climbed without authorization of the amateur.
 - d) The applicant shall submit documentation to the enforcing office for the Town of Centerville, sufficient to show that all provisions of this Section have been met.
5. Amateur towers located at a site other than the principal residence of a licensed ham operator shall meet the requirements for Setbacks fencing Screening access parking as detailed under the guidelines that follow in Section 4.100. However, amateur towers without ground mounted equipment or buildings need only meet the requirements for access parking and be designed so they are not accessible to unauthorized climbing.
6. Temporary towers may be erected for a maximum of 48 hours for special events or emergencies upon approval by the Enforcing Officer for the Town of Centerville.

4.103 Application Requirements. An application to develop a transmission and communications tower shall include as minimum the following:

1. All site plan information cited in Section 3.120 of this Ordinance, which is deemed applicable by the Planning Commission.
2. A “Determination of No Hazard” from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
3. Documentation that any applicable leasehold is no less than 50 years in duration.
4. The names, addresses and telephone numbers of all owners of other communications/ transmission towers or support structures within 1/2-mile radius of the proposed new tower site, including city owned property.
5. An affidavit attesting to the fact that the project applicant Made diligent but unsuccessful efforts to install or collocate the project applicant’s telecommunications facilities on city owned towers or usable antenna support structures located within 3,000-foot radius of the proposed tower site.
6. Written technical evidence from an engineer that the proposed tower or telecommunications facility cannot be installed or collocated on another person's tower or usable antenna support owned by other persons located within 3,000-foot radius of the proposed tower site.

4.110 Provisions Governing Security Residences.

1. A security residence is allowed within any commercial use in Centerville upon request to the Building Inspector.
2. In a commercial building, the residence may be occupied by a security guard, the business owner, or any other renters.
3. The residents must be accessory to the principal use of the land and either located directly above the business or within the same building as the business.
4. The residents must be provided parking.
5. Only one residence is permitted on the property.
6. No entrance to the residential unit, which would be visible from the street, may be added solely for the purpose of providing direct access outside access to the street.
7. All applicable building and safety codes must be met.
8. An occupancy permit is required.

4.120 Guidelines for New Cemeteries.

1. All state regulations for cemeteries must be followed.
2. Must be at least 100 feet away from ponds, streams, rivers, springs and wells.
3. Must have an easement to a public roadway at least 18 feet wide; direct road frontage is preferable.
4. Must have a perimeter fence around the cemetery at least 36 inches high.
5. Cemetery dimensions and location must be recorded in the property deed and filed with the register of deeds.
6. All grave sites must be marked with a permanent marker or headstone.
7. A written record of who is buried in the cemetery and where they are buried must be kept updated after each burial.
8. All grounds shall be maintained in a sanitary condition and with grass mowed within the height specified in the Centerville Municipal Code.

**ARTICLE 5
ZONING DISTRICTS**

SECTION

5.010 Classification of Districts

5.020 Zoning Map

5.030 Zoning District Boundaries

5.040 Zoning of Annexed Territory

5.050 Specific District Regulations

5.060 Airport Zoning Provisions

5.010 Classification of Districts. For the purpose of this Ordinance, the following zoning districts are hereby established in the Town of Centerville, TN.

Low Density Residential	R-1
Medium-Density Residential	R-2
Medium-Density Residential- A	R-2A
Mobile Home Parks	R-3
Central Business	C-1
General Commercial	C-2
Planned Shopping Center	C-3
Light Industrial	I-1
General Industrial	I-2
Special Impact Industrial	I-3

5.020 Zoning Map. The location and boundaries of the zoning districts established by this Ordinance are bounded and defined as shown on the map designated as the official zoning map of Centerville, TN. The zoning map and any amendment thereto shall be dated with the effective date of the Ordinance that adopts the same. Certified prints of the adopted official zoning map and amendments thereto shall be maintained in the Office of the City Recorder and shall be available for inspection by the public at all reasonable times as long as this Ordinance remains in effect.

5.030 Zoning District Boundaries. Unless otherwise indicated, the district boundary lines are center lines of streets or blocks of such lines extended. Lot lines, corporate limit lines or the center line of the main tracks of a railroad. Such lines drawn to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such distance therefrom is indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Centerville Board of Zoning Appeals. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed 500 feet beyond the district line into the remaining portion of the lot.

5.040 Zoning of Annexed Territory. All territory which may hereafter be annexed to the Town of Centerville shall be zoned at the time of annexation, and the zoning designation shall be made as a separate Ordinance.

5.050 Specific District Regulations. The following regulations shall apply in the ten zoning districts established in Section 5.010 of this Ordinance.

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

1. To provide sufficient space and appropriate locations for residential development to meet the housing needs of the town's present and expected future population, with due allowance for the need for a choice of sites and building types.
2. To protect residential areas as far as possible against heavy traffic and against through traffic of all kinds.
3. To protect residential areas against congestion by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
4. To require the provision of open space and a maximum conservation of natural sites and residential areas and to encourage continuation of existing agricultural uses which do not create a public nuisance to surrounding residential areas.
5. To provide for access of light and air to windows, and for privacy by controls over the spacing and height of buildings and other structures.
6. To provide appropriate space for those public and private educational, recreational, health and similar facilities which serve the needs of nearby residents, and which serve the population more effectively in a residential environment and which do not create objectionable influences.
7. To provide sufficient space and appropriate locations for the mixture of compatible High-Density residential developments, medical and healthcare facilities, other professional offices, other community facilities and restricted commercial developments for standards for development will provide protection for the qualities of each use.
8. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses and to conserve the value of land and buildings and to protect the town's tax revenue.

5.051.1 R-1, Low Density Residential District.

A. District Description: to provide suitable areas for residential development characterized by an open appearance and located so that the provision of urban services and facilities will be physically and economically feasible. Where no sewer lines exist, the larger lot size will be required to provide for on-site septic systems. Commercial activities are excluded except as home occupations. Essential community facilities activities are allowed as listed on appeal as Special Exceptions.

B. Uses Permitted: For a definition of the following uses, see Definitions and Use Classifications in Article 2, Sections 2.020 and 2.030.

1. Single detached dwelling
2. Duplex or two-family dwellings
3. Boarding or rooming houses where no more than 50% of the total is used for boarding.
4. Customary accessory buildings
5. Customary accessory buildings are permitted provided they are located in the rear yard and not closer than five feet to any lot line.
6. Agricultural activities, signs for farms or garden products.
7. Signs as regulated in Article 4, Section 4.070.

C. Uses Permitted as Special Exceptions: The following uses and their accessory uses may be permitted after review and approval in accordance with Article 8, Section 8.060.

Community facilities:

1. Educational facilities
2. Religious facilities
3. Cultural and recreation services
4. Administrative services
5. Intermediate impact facilities
6. Essential public transport, communication, and utility services
7. Special personal and group care facilities
8. Bed and Breakfast Homestay

Residential Dwellings. Mobile homes on individual lots which meet all dimensional requirements of this district. All Mobile homes shall have a permanent foundation and meet all other requirements as specified by the Board of Zoning Appeals.

D. Uses Prohibited: Feedlots and stockyards and any use not specifically permitted on appeal as Special Exceptions.

E. Dimensional Regulations: Uses permitted in the R-1, Low- Density Residential District shall comply with the following requirements, except as provided in Article 7. The Health Department may establish larger square footages on areas without public sewer.

1. Minimum Lot Size

	Area with Public Sewer	Area without Public Sewer
Single detached dwelling	15,000 square feet	15,000 square feet
Duplex dwelling	15,000 square feet	30,000 square feet

Area per Family

	Area with Public Sewer	Area without Public Sewer
Single detached dwelling	15,000 square feet	15,000 square feet
Duplex dwelling	7,500 square feet.	15,000 square feet.

Minimum Lot Width at Building Setback

	Area with Public Sewer	Area without Public Sewer
Residences	100 feet	100 feet
All other uses	200 feet	200 feet

2. Minimum Yard Requirements:

Front Setback: All principal and accessory structures shall be set back from the right-of-way lines of streets according to the classification of the street upon which they are located. These designations are indicated on the Municipal-Regional Thoroughfare Plan.

Arterial streets	50 feet
Collector streets	35 feet
Minor streets	35 feet

Side Yards: Minimum of 15 feet for one story buildings, plus five additional feet for each story.

Rear yards: 30 feet

3. **Maximum Lot Coverage:** On any parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed 25 percent of the total area. Accessory structures shall not cover more than 30 percent (30%) of the rear yard.
4. **Height Requirement:** No building shall exceed three (3) stories or 35 feet in height, except as provided in Article 7, Section 7.030.
5. **Parking Space Requirements:** As regulated in Article 4, Section 4.010.

5.051.2 R-2, Medium-Density Residential District.

A. District Description: To provide suitable areas for Medium-Density Residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically installed. Most generally, this district will be characterized by single family detached or attached dwellings and two-family duplex dwellings being served by the public sanitary sewer system and such other structures as are accessory thereto. This district is intended also to permit community facilities, and public utility installations, which are necessary to service and do service specifically the residents of the District or which are benefited by and compatible with a residential environment. It is the express purpose of this Ordinance to exclude from this District all buildings or other structures and uses having commercial characteristics. Whether operated for profit or otherwise, except that special exception uses, and home occupations specifically provided for in these regulations for this district shall be allowed if they otherwise conform to the provisions of this district.

B. Uses Permitted:

1. Single family detached dwellings
2. Duplex or two-family dwellings
3. Three (3) family or four (4) family attached dwellings.
4. Boarding or rooming house were no more than 75% of the total floor area of the structure is used for this purpose.
5. Customary accessory buildings.
6. Customary accessory buildings are permitted, Provided they are located in the rear yard and not closer than five feet to any lot line.
7. Intermediate impact community facilities.
8. Signs as permitted in Article 4, Section 4.070.

C. Uses Permitted as Special Exceptions: The following uses and their accessory uses may be permitted after review and approval in accordance with Article 8, Section 8.060.

Community facilities:

1. Educational facilities
2. Religious facilities
3. Cultural and recreation services
4. Administrative services
5. Intermediate impact facilities
6. Essential public transport, communication, and utility services
7. Special personal and group care facilities

D. Uses Prohibited: Uses not specifically permitted or uses not permitted on approval as a special exception.

E. Dimensional Regulations: All uses permitted in the R2, Medium- Density Residential, shall comply with the following requirements, except as provided in Article 7.

1. Minimum Lot Size:

Single Family Detached Dwelling	10,000 square feet
Duplex or two-family dwelling	10,000 square feet
Three (3) family attached dwelling	15,000 square feet
Four (4) family attached dwelling	20,000 square feet

Area per Family

Single family detached dwelling.	10,000 square feet
Duplex and semi-detached dwelling	5,000 square feet
Three (3)/ 4 family attached dwelling	5,000 square feet

Minimum Lot Width at Setback Line

Residence.	50 feet
All other uses	100 feet

2. Minimum Yard Requirements:

Front Setback: All principal and accessory structures shall be set back from the right-of-way lines of streets according to the classification of the street upon which they are located. These designations are indicated on the Municipal- Regional Thoroughfare Plan.

Arterial streets	50 feet
All other streets	35 feet

Side Yards: Minimum of 15 feet for one story buildings, plus five additional feet for each story.

Rear yard: Minimum 25 feet

- 3. Maximum Lot Coverage:** On any parcel of land, the area occupied by all buildings. Including accessory building may not exceed 45% of the total area. Accessory structures shall not cover more than 30% of any required rear yard.
- 4. Height Requirements:** Principal structures shall not exceed three (3) stories or 35 feet in height.
- 5. Parking Space Requirements:** as regulated in Article 4, Section 4.010.

5.051.3 R-2A, Medium-Density Residential-A District.

A. District Description: To provide continuation of suitable living areas that have developed in the older areas of the city where urban services and facilities already exist and many of the lots are small. The living areas are usually quite close to commercial areas, so commercial activities are excluded except as home occupations. Essential community facilities are allowed as listed on appeal as Special Exceptions.

B. Uses Permitted: For a definition of the following uses see Definitions and Use Classifications Article 2, Sections 2.020 and 2.030.

1. Single family detached dwellings
2. Duplex or two-family dwellings
3. Boarding or rooming houses where no more than 50% of the total is used for boarding
4. Customary accessory buildings

5. Customary accessory buildings are permitted provided they are located in the rear yard and not closer than five feet to any lot line.
6. Signs as regulated in Article 4, Section 4.070.

C. Uses Permitted as Special Exceptions: The following uses and their accessory uses may be permitted after review and approval in accordance with Article 8, Section 8.060.

Community facilities:

1. Educational facilities
2. Religious facilities
3. Cultural and recreation services
4. Administrative services
5. Intermediate impact facilities
6. Essential public transport, communication, and utility services

D. Uses Prohibited: feed lots and stock yards, and any use not specifically permitted on appeal as Special Exceptions.

E. Dimensional Requirements: All uses permitted in this district shall comply with the following requirement, except as provided for in Article 6.

1. <u>Minimum Lot Size Area</u>	<u>With Public Sewer</u>
Single family, detached dwelling	6,000 square feet
Duplex dwelling	6,000 square feet

<u>Area per Family</u>	
Single family, detached dwelling	6,000 square feet
Duplex dwelling	3,000 square feet

Minimum Lot Width at Building Setback Line:

Residences	50 feet
All other uses	100 feet

2. Minimum Yard Requirements:

Front Setback: All principal and accessory structures shall be set back from the right-of-way lines of streets according to the classification of the street upon which they are located. These designations are indicated on the Municipal- Regional Thoroughfare Plan.

Arterial streets	50 feet
All other streets	35 feet

Side Yards: Minimum of 10 feet for one story buildings, plus five additional feet for each story.

Rear Yard: 30 feet.

3. Maximum Lot Coverage: On any parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed 25% of the total area. Accessory structures shall not cover more than 30% of the rear yard.

4. **Height Requirements:** No building shall exceed three (3) stories or 35 feet in height, except as provided in Article 7, Section 7.030.
5. **Parking Space Requirements:** As regulated in Article 4, Section 4.010.

5.051.4 R-3, Mobile Home Parks.

This Section is intended to provide maximum flexibility and design and to ensure a minimum standard of site development for Mobile Home Parks.

A. Procedure for Approval: A permit for a Mobile Home Park shall be issued by building Inspector only as authorized by this interval. Regional Planning Commission. The Commission shall so authorize said permit only after application and review in accordance with the requirements of this Section and after the Commission determines that the proposed location meets the intent of this Ordinance and that the indicated development standards will be followed.

B. Review procedure: A general location map should be presented to the Planning Commission before any site work is done to determine whether the site would be considered appropriate for a rezoning to allow a Mobile Home Park, 3 copies of this sketch map shall be drawn at a scale not smaller than 1" = 100". Such maps shall exhibit the following:

1. The approximate boundaries of the site.
2. External public access streets or roads in relation to the site.
3. Surrounding development, i.e., general residential, commercial, and industrial areas, within one mile of the site.
4. Public water and sewer systems in relation to the site.

C. Preliminary Review: The next step is to submit a more detailed site plan to the Planning Commission for preliminary review.

1. **Site Plan:** Subject to the Planning Commission's recommendation regarding the general location, a site plan at a scale not smaller than one inch equals 200 feet shall be submitted to the Planning Commission. Such site plan shall exhibit the following:
 - a) Topographic contours at 10-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 dimension of any easements.
2. **Final Review:** After preliminary approval of the site plan, the Planning Commission shall schedule a final review of the Following development standards.

Required Development Standards: The following shall apply:

1. 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. Only one permanent residential structure other than mobile homes shall be located within a site to be developed as a Mobile Home Park.
2. Dimensions.

- A. The minimum front yards on a public minor street shall be 30 feet, or 40 feet on a public Collector street.
 - B. The minimum side or rear yards on a public street shall be 15 feet.
 - C. The minimum yards adjoining another zoning district shall be 25 feet.
 - D. The average number of dwelling units per acre a buildable land not including streets, shall not exceed 16.
 - E. Maximum buildable acreage shall consist of 75% of the total residentially zoned acreage available, 25% of the said total being allocated for street right-of-way regardless of the amount of land actually required for street right-of-way.
3. Design.
- A. Internal streets.
 - 1) The minimum right-of-way width on Collector streets exceeding 500 feet in length or serving more than 50 dwelling units shall be 60 feet.
 - 2) The minimum right-of-way width on Minor streets shall be 50 feet.
 - 3) The maximum grade on any street shall be 10%.
 - 4) Where feasible, street intersections shall be at right angles.
 - B. Public Street Access.
 - 1) The minimum distance between the access points along public Street. frontage center line to center line shall be 200 feet.
 - 2) 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 100 feet.
 - C. Mobile home spacing.
 - 1) The minimum length of each Mobile home space shall be 90 feet.
 - 2) The minimum width of each Mobile home space shall be 40 feet.
 - 3) The minimum depth of yards on a Mobile home space shall be 10 feet.
4. Required Improvements: The following shall be required.
- A. Internal streets.
 - 1) Street shall be privately constructed and maintained.
 - 2) The base of streets shall consist of crushed stone or gravel 6 inches in depth, compacted.
 - 3) The surface of street shall consist of asphalt or better materials two inches in depth compacted.
 - 4) Closed ends of dead-end streets shall provide a vehicular turnaround at least 80 feet in diameter.
 - B. Mobile Home Stands: Mobile Home Stands shall be constructed of concrete or appropriate material, properly graded, packed, and compacted, so as to be durable and adequate for the support of the maximum anticipated load during all seasons and shall have sufficient area to accommodate appurtenances such as canopies, patios, and porches.
 - C. Utilities: The utility shall be served with sanitary sewers and public water. Septic sewage disposal shall not be permitted.
 - D. Storage of Waste: Any central refuse disposal area shall be maintained in such manner as to meet county health requirements and shall be screened from view.
 - E. Service Buildings.

- 1) Service buildings, housing, laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
- 2) There shall be at least 25 feet separating permanent buildings on the site from any Mobile home space.

5.051.5 R-4, High-Density Residential District.

A. District Description: These districts are designed to provide adequate and suitable space in appropriate locations for High-Density residential and office uses, as well as healthcare facilities and other community facilities with limited commercial uses. Characteristics of permitted residential buildings are multi-story buildings designed for a multiple of dwelling units. Hospital and other health care facilities are allowed, including private medical and dental offices and other professional and business offices. Commercial uses permitted include those necessary to serve the recurring needs of the occupants, employees, or other persons frequenting the district. A selective list of these permitted commercial uses is included. In addition, use of buildings and land for community facilities and utilities for serving these districts or the whole community is allowed. Off-street parking is required for all uses within this category and all new construction is subject to site plan review by the Planning Commission. These districts may be best located between districts of lower density residential development and areas of more intensive commercial or industrial use. All permitted uses shall be serviced by public water and sanitary sewer.

D. Uses Permitted: For a definition of the following uses, see Article 2, Section 2.020 and Use Classification, Section 2.030.

1. Single family dwellings.
2. Two family dwellings.
3. Multifamily dwelling.
4. Health care facilities.
5. Religious facilities.
6. Special personal and group care.
7. Educational facilities.
8. Cultural and recreation services.
9. Essential public transport, communication, government, and utility services.
10. Administrative services.
11. Extensive impact facilities, including water and sewage treatment plants, and radio and television towers and transmission facilities.
12. Professional services, medical.
13. Professional services, non-medical.

The following commercial activities are permitted on the premises of multifamily residential, hospital or office buildings and will serve the needs of residents, employees or visitors of the primary facilities.

14. Financial consulting and administrative services.
15. Customary accessory buildings are permitted provided they are located in the rear yard and not closer than five feet to any lot line.
16. Food and beverage services.
17. Signs as regulated in Article 4, Section 4.070.

E. Uses Permitted as Special Exceptions: The following uses and their accessory uses may be permitted after review and approval in accordance with Article 8, Section 8.080.

1. Utility facilities without storage yards necessary for the provision of public services. Storage yards for utility facilities may be permitted but must be fully screened from view of residential properties with buffer strips.
2. Convenience retail sales and services.

F. Uses Prohibited: All use is not specifically permitted or permitted on appeal.

G. Dimensional Requirements: All uses permitted in the R-4 High-Density residential office district shall be subject to site plan review by the Planning Commission in accordance with Article 3, Section 3.120.

1. Minimum lot size area

- | | |
|--|---------------------|
| a) Multifamily dwelling and community facility activities. | 20,000 square feet. |
| b) Single family detached dwelling. | 10,000 square feet. |
| c) Duplex dwelling | 10,000 square feet. |

Area per family.

- | | |
|----------------------------|-------------------------------------|
| a) Multifamily dwellings. | Not to exceed 16 families per acre. |
| b) Single family dwellings | 10,000 square feet. |
| c) Duplex dwellings | 5000 square feet. |

2. Minimum Yard Requirements:

- | | |
|------------------|-------------------|
| Front setback | 25 feet |
| Side | 10 feet |
| Duplex dwellings | 5,000 square feet |

3. Maximum Lot Coverage: On any parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed 60% of the total area.

4. Height Restrictions: No building shall exceed three (3) stories or 35 feet in height except as provided in Article 7, Section 7.030 or in case of a multi-story building, for each foot the building is set back from the street beyond the required setback line. The height of the building may be increased by 1 ½ feet. Upon recommendation of the Tennessee State Fire Marshall's Office or the Centerville Regional Planning Commission, all buildings having more than three (3) stories shall have an approved sprinkler system.

5. Use of Required Yards- Landscaping: All yard areas not devoted to driveways, parking areas and sidewalks shall be devoted to landscaping. A plan for landscaping will be a part of the overall site plan review submitted to the Planning Commission. Driveways shall not occupy more than half of any required yard. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal receptacles is permitted in rear of building and shall be accessible.

6. Parking Space Requirements: As regulated in Article 4, Section 4.010.

7. Other Site Plan Requirements: In addition to the requirements of Article 3, Section 3.120, Plot Plan requirements, site plans for the R-4 district uses shall include the following:

- a) Use of building.
- b) Space between buildings where there is more than one on a lot.
- c) Names and locations on the plan of all adjacent property owners.
- d) Any other information the Planning Commission may reasonably request.

5.052 Commercial Districts: The Commercial Districts established by this Ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following.

1. To provide sufficient space in appropriate locations in proximity to establish residential areas for local retail and service trades, catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
5. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district to provide for high intensity of land uses consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
6. To promote the most desirable use of land in direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of Centerville, and to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Centerville's tax revenues.

5.052.1 C1, Central Business District.

A. District Description: This district is designed to provide for a wide range of retail, office, amusement, and service uses, as well as parking both on and off-streets. This district also provides for community facilities and utility activities necessary to serve the district, as well as the entire community. Government facility and administrative uses are also appropriate in this district, and limited residential uses may also be allowed. Relatively high density and high intensity of uses are permitted in this district.

B. Uses Permitted.

1. Semi transient residential activities.
2. Community facilities- government, administration service, community assembly.
3. Automotive parking.
4. Convenience retail sales and services.
5. Equipment repair services.
6. Entertainment and amusement services- Coin operated amusement arcades and motion picture theaters.
7. Financial, insurance, real estate, and consulting services.
8. Food and beverage services.
9. General business services excluding telephone exchanges and relay towers.
10. General personal services.
11. General retail trade.
12. Professional services- nonmedical and medical.
13. Transient habitation excluding sporting and recreational vehicle camps.
14. Vehicular and related equipment sales, rental, and delivery, excluding aircraft dealers, boat dealers, recreational and utility trailer dealers.
15. Wholesale sales.

C. Uses Permitted as Special Exceptions: The following uses and their accessory uses may be permitted after review and approval in accordance with Article 8, Section 8.080.

1. Uses not listed which could be conducted on premises, primarily inside a building, which would not require extensive parking during the time when parking requirements within the surrounding area are great.
2. Limited residential dwellings in accordance with Article 8, Section 8.086.7.
3. Limited manufacturing conducted in completely enclosed buildings.
4. Bed and Breakfast Inn.

D. Uses Prohibited:

1. Warehousing and storage
2. Junk yards
3. Manufacturing- Intermediate and Extensive
4. Uses not specifically permitted or permitted on appeal.

E. Dimensional Regulations:

Minimum lot size:	No requirements.
Minimum Yard Requirements:	No requirements.
Maximum Lot Coverage:	No requirements.
Height Requirement:	Building shall not exceed 6 stories or 65 feet in height.

5.052.2 C-2, General Commercial District.

A. District Description: This district is designed to allow the maximum range of commercial, office, and service needs of the occupants of nearby residential districts, as well as the needs of the entire community. This district may be found along Arterials, Collectors, or Major streets, but uses shall be subject to set back requirements appropriate to the type of street upon which they are located. The character of the surrounding area should not be severely impacted by commercial activity and where commercial activity is predominant. Adequate access and parking and delivery areas are essential.

B. Uses Permitted: For a definition of the following uses, see Article 2, Section 2.020 and Use Classifications, Section 2.030. Uses permitted in C-1 are allowed in this district as well as community facilities activities:

1. Governmental administrative services.
2. Cultural and recreational services.
3. Essential public transport, communication, and utility services.
4. Automotive service and repair.
5. Building materials and farm equipment sales.
6. Contract construction services.
7. Convenience retail sales and services.
8. Equipment repair services.
9. Entertainment and amusement services.
10. Finance, insurance, and real estate consulting services.
11. Food and beverage services.
12. Take-out food service.
13. Animal care and veterinarian services.
14. General business services.
15. General personal services.
16. General retail trade.
17. Professional Services - medical
18. Professional Services - non-medical

19. Transient habitation.
20. Vehicular, marine craft, aircraft and related equipment sales, rental, and delivery.
21. Limited manufacturing of bakery goods, printed material, apparel accessory) such as hats, jewelry, etc.) art objects, data processing services, photocopying, printing, publishing, and upholstering.
22. Religious facilities.
23. Education facilities.
24. Wholesale sales.
25. Mini or personal warehouses.

C. Uses Permitted as Special Exceptions:

Bed and Breakfast, Country Inn.

D. Uses Prohibited:

1. Residential activities not specifically allowed.
2. Warehousing (excluding mini or personal warehouses), transport, and storage facilities, except those which are located within an incidental to permitted uses.
3. Junk yards, including automobile wrecking and storage.
4. Other uses not specifically permitted or permitted upon approval as Special Exceptions.

E. Dimensional Regulations:

1. Minimum lot size: No requirement.
2. Minimum Yard Requirements:

Front setback on Major Arterials 35 feet.

Front Setback on all other streets 25 feet.

Side Yards: None are required, but when an open area extends along the side lot line, it shall be at least 10 feet wide and unobstructed. Where such commercial district abuts a Residential District, the side yard requirements for commercial use shall be equal to the side yard requirements for the Residential District.

Rear yards: 20 feet where a rear entrance is provided, otherwise, none is required.

3. **Maximum Lot Coverage:** No requirements.
4. **Height Requirements:** Buildings shall not exceed three (3) stories or 35 feet in height, except as provided in Article 7, Section 7.030.
5. **Parking Space Requirement:** As regulated in Article 4, Section 4.010.

5.052.3 C-3, Planned Shopping Center.

A. District Description: This district is designed to provide adequate space and appropriate locations along Major Arterials for a wide variety of commercial needs. These centers will provide for the shopping needs of nearby residents as well as for those of a broader area. The minimum lot size will be two acres for such districts, and access, ingress, egress loading and parking must be adequately provided for. Site plan review by the Planning Commission of all development in this district will be required to assure that the plans are compatible with the surrounding Residential Districts.

B. Uses Permitted: For a definition of the following uses, see Article 2,, Section 2.020 and Use Classification, Section 2.030.

1. Convenience retail sales and services.
2. Entertainment and amusement services.
3. Finance, insurance, and real estate consulting services.
4. Food and beverage services.
5. Equipment repair services.
6. General personal service, excluding funeral and crematory services.
7. General retail trade.
8. Professional services- medical
9. Professional services - Non-medical.
10. Governmental administrative services.
11. Community assembly.
12. Signs is regulated in Article 4, Section 4.080.
13. Warehousing and storage.
14. Storage of household goods.

C. Uses Permitted as Special Exception: None.

D. Uses Prohibited:

1. Any use not specifically permitted.
2. Signs not relating to the identification of the premises and occupants and products sold or services rendered on the premises.
3. Permanent outdoor storage.

E. Dimensional Regulations:

1. **Minimum lot size:** 2 acres.
2. **Minimum Yard Requirements:** A 20-foot yard is required where this district abuts a Residential District or a street.
3. **Maximum Lot Coverage:** On any parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed 60% of the total lot area.
4. **Height Restrictions:** Buildings shall not exceed three (3) stories or 35 feet in height, except as provided in Article 7, Section 7.030.
5. **Parking Space Requirements:** For all uses in a commercial complex there shall be 5.5 parking spaces for each 1,000 square feet of gross leasable floor area.
6. **Loading Space:** Off-street loading area shall be provided separate from parking areas at rear or side of buildings.
7. **Site Plan Review Requirements:**
 - A. Location on a major arterial or highway.
 - B. The character of the development must be shown to be appropriate to the area such that surrounding property values are not diminished.
 - C. This site plan shall show:

- 1) Scale of 1-inch equals 100 feet, topography at no greater than 5-foot intervals, natural features such as floodable areas, proposed drainage patterns and runoff retention plans, landscaping plan with screening or buffering where necessary.
- 2) Existing utilities, easements, and proposed utility layouts, names of streets serving the shopping center, names of surrounding property owners and where their land lies in relation to the proposed center access, including ingress, egress, private streets, parking, layout and loading areas.
- 3) Any other requirements the Planning Commission may reasonably impose given the natural features of the land or other characteristics of the site.

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

1. To provide sufficient space in appropriate locations to meet the needs of the area of Centerville's expected economic expansion for all types of distributive, industrial, and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial, and related activities as well as residential and related activities by providing for the separation of these uses and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available, by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, without regard to the industrial products and processes involved.
4. To provide for aviation activities in order to be near the industrial areas primarily served by the airport.
5. To protect adjacent residential and commercial areas and to protect the labor force and other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences by permitting such development in areas where this Ordinance restricts the emission of such nuisances without regard to the industrial products or processes involved.
6. To protect industrial activities and related development against congestion as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
7. To promote the most desirable use of land and direction of building development.
8. To promote stability of industrial and related development.
9. To strengthen the economic base of the Centerville area.
10. To protect the character of these districts and their peculiar suitability for particular uses.
11. To conserve the value of land and buildings and to protect Centerville's tax revenues.

5.053.1 I-1, Light Industrial District

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

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

1. Community facility activities: Essential services

2. Commercial activities:

- a) Animal care and Veterinary Services.
- b) Building materials and farm equipment.
- c) Construction sales, and services.
- d) Transport and warehousing.
- e) Wholesale sales.

3. Manufacturing activities: Limited Manufacturing, Intermediate Manufacturing.

4. Agricultural, Resources Production, and Extraction Activities:

- 1) Agricultural activities.
- 2) Crop and animal raising.
- 3) Plant and forest nurseries.

C. Accessory Uses and Structures: The following accessory uses are permitted in the I-1 Light Industrial District.

1. Signs in compliance with the regulations set forth in Section 4.070.
2. Accessory off-street parking and loading facilities as required in Section 4.010 and 4.020.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
4. Daycare centers are allowed as an accessory use to any industrial activity, provided that such a use is carried out on the same premises. Such daycare centers shall meet all State of Tennessee licensing requirements.

D. Uses Permitted as Special Exceptions: In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as Special Exceptions after review and approval in accordance with Section 8.080.

1. Community Facility Activities: Administrative services, Intermediate impact facilities.

2. Commercial Activities.

- 1) Consumer repair services
- 2) Construction sales and services
- 3) Entertainment and amusement services
- 4) Food and beverage service
- 5) Food service drive in
- 6) Group assembly

E. Uses Prohibited: Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-1 Light Industrial District.

F. Dimensional Regulations: All uses permitted in the I-1 Light Industrial District shall comply with the following requirements, except as provided in Chapter 7.

1. Minimum lot area. 20,000 square feet.

2. Minimum Yard Requirements:

- 1) Front yard setback: 50 feet.
- 2) Side yard setback: 20 feet, except where the side yard abuts or is adjacent to a Residential District, in which case the minimum setback for that yard shall be 40 feet.
- 3) Rear Yard Setback: 25 feet except where the rear yard abuts or is adjacent to a Residential District, in which case the minimum setback for that yard shall be 50 feet.

3. Maximum Lot Coverage: On any area or parcel of land the area occupied by all buildings, including accessory building, shall not exceed 60% of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed 45 feet in height except as provided in Section 7.030.

5. Parking space requirement: As regulated in Section 4.010.

6. Accessory structures: Accessory structures shall be located at least five feet from any lot line and any building on the same lot.

G. Landscaping Provisions: Each site shall be developed with a minimum of 10% of the lot area landscape to enhance site appearance. Included in the 10% coverage shall be maintained on landscape strip at least 10 feet wide along all street rights of way lines, exclusive of business driveways and walkways. Landscaping consists of trees, shrubs, and ground covers only.

5.053.2 I-2, General Industrial District

A. District Description: These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight. Scale of operation. Type of structures required, or other similar characteristics require location relatively well segregated from non-industrial uses. New residential activities are excluded, but Community facilities and community establishments that provide needed services for industry and are complementary thereto are permitted.

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

1. Community facility activities:

- A. Essential services
- B. Administrative services
- C. Intermediate impact facilities.

2. Commercial activities.

- A. Animal care and veterinarian services.
- B. Building materials and farm equipment.
- C. Construction sales and services.
- D. Food and beverage service.
- E. Food service Drive in.
- F. Transport and warehousing.
- G. Wholesale sales.

3. **Manufacturing Activities:**
 - A. Limited and Intermediate Manufacturing.
 4. **Agricultural, Resources Production, and Extraction Activities.**
 - A. Agricultural activities.
 - B. Crop and animal raising.
 - C. Plant and forest nurseries.
- C. Accessory Uses and Structures:** The following accessory uses are permitted in the I-2 General Industrial District.
1. Signs in compliance with the regulations set forth in Section 4.070.
 2. Accessory off-street parking and loading facilities as required in Section 4.010 and 4.020.
 3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
 4. Daycare centers are allowed as an accessory use to any industrial activity, provided that such a use is carried out on the same premises. Such daycare centers shall meet all State of Tennessee licensing requirements.
- D. Uses Permitted as Special Exceptions:** In the I-2 General Industrial District. The following uses and their accessory uses may be permitted as Special Exceptions after review and approval in accordance with Section 8.080.
1. **Community facility activities:** Extensive impact facilities, excluding electricity generating facilities, garbage dumps and sanitary landfills.
 2. **Commercial activities.**
 - A. Group assembly.
 - B. Adult oriented entertainment establishments. These uses shall meet all special conditions as listed and defined in Article. 8 Subsection 8.086.9.
 3. **Manufacturing Activities:** Extensive manufacturing activities excluding arsenals, atomic reactors, explosives, and fireworks manufacturing.
- E. Uses Prohibited:** Any uses or structures not allowed as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2 General Industrial District.
- F. Dimensional Regulations:** All uses permitted in the I-2 General Industrial District shall comply with the following requirements, except as provided in Chapter 7.
1. **Minimum Lot Area:** 40,000 square feet.
 2. **Minimum Yard Requirements:**
 - a. Front Yard Setback: 100 feet.
 - b. Side yard setback: 40 feet, except where the side yard abuts or is adjacent to a Residential District, in which case the minimum setback for that yard shall be 80 feet.
 - c. Rear yard setback: 50 feet, except where the rear yard abuts or is adjacent to a Residential District, in which case the minimum setback for that yard shall be 100 feet.
 3. **Maximum Lot Coverage:** on any area or parcel of land. The area occupied by all buildings, including accessory buildings, shall not exceed 50% of the total area of such lot or parcel.

4. **Height Requirements:** No building shall exceed 45 feet in height except as provided in Section 7.030.
5. **Parking Space Requirement:** as regulated in Section 4.010.
6. **Accessory Structures:** accessory structures shall be located at least five feet from any lot line in any building on the same lot.

G. Landscaping Provisions: Each site shall be developed with a minimum of 10% of the lot area of landscape to enhance site appearance. Included in the 10% coverage, there shall be maintained a landscape strip at least 10 feet wide along all street rights of way lines exclusive of business driveways and walkways. Landscaping consists of trees, shrubs and ground covers only.

5.053.3 I-3, Special Impact Industrial District

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

B. Site location criteria.

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
- B. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
- C. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
- D. The proposed Site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local groundwater resources.
- E. The proposed site will be adequately served by Public Utilities and services to ensure a safe operation.
- F. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations that would endanger community safety.
- G. Access to the site will be from a road classified as an Arterial or Collector on the Major road plan for Centerville.
- H. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
- I. The proposed site will not be located within a 100-year floodplain or wetland.

C. Administrative Procedure: The provisions of this Section shall govern all applications for rezoning to the I-3 Special Impact Industrial District

1. **Preliminary Review:** All applications for rezoning to the I-3 Special Impact Industrial District shall be made by the landowner or his/her authorized agent to the building inspector in accordance with the provisions of this Section. All applications for rezoning shall be accompanied by:

A. Preliminary development plan to include the following information:

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

B. Operational data to include the following information:

- A. Type of operation and detailed Description of the operation.
- B. Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- C. Types of federal and state permits required for operation of the proposed facility.
- D. Safety measures to be used on site as well as the system for dealing with complaints.
- E. Ultimate use and ownership of the site after completion of operation for landfills only.

C. Environmental assessments to include the following information:

- A. Geological data on the site as prepared by a Tennessee licensed geologist.
- B. Effects of the proposed use on groundwater quality in the area.
- C. Effects of the proposed use on air quality in the area.
- D. Potential danger to any surface water or water supply.

2. **Zoning Amendment:** After review of the Preliminary Development Plan, operational data, and environmental assessments, the Planning Commission shall recommend to the City Board of Mayor and Alderman whether the proposed use should be rezoned to the I-3 Special Impact Industrial District. If the City Board approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the Planning Commission for their approval.

3. **Final Development Plan Review:** After approval of the rezoning by the City Board of Mayor and Alderman, the landowner may make application to the Planning Commission for approval of the Final Development Plan, provided that the plan is in compliance with the Preliminary Development Plan. All Final Development Plans shall include the following information:

1. Final Development Plan shall include the following:

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

- C. Contours of vertical intervals of not more than two feet where the proposed development has an average slope of 5% or less, or at vertical intervals of not more than five feet where the average slope exceeds 5%. Contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission.
- D. Stages of development of the site and the expected time of completion.
- E. Copies of all required federal and state permits the applicant has obtained.
- F. Final site plan shall be in compliance with Subsections H, I, and J, below for the proposed use of the property.

2. Site and Geological data:

- A. Soil and geology with soil borings to a point of refusal, with a minimum of two borings per acre.
- B. Final grading and drainage plan for the entire site, including surface drainage patterns and all areas for surface water detention or retention.
- C. Groundwater movements and aquifer information.
- D. Existing vegetation cover on the site.
- E. Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted: In the I-3 Special Impact Industrial District, the following uses are permitted:

Special impact facilities:

- 1) Arsenals
- 2) Atomic reactors.
- 3) Explosives manufacturing and storage.
- 4) Fireworks manufacturing.
- 5) Hazardous wastes.
- 6) Electricity generating facilities.
- 7) Radioactive wastes.
- 8) Solid waste landfills.
- 9) Solid waste processing and recycling.
- 10) Waste incinerators, including hospital and medical waste.
- 11) Biosolids- handling or distribution.

Agricultural, Resources Production and Extractive activities.

- 1) Commercial feed lots and stockyards.
- 2) Mining, drilling, and quarrying.

E. Accessory Uses and Structures.

- 1. Signs in compliance with the regulations set forth in Section 4.070.
- 2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
- 3. Accessory off-street parking and loading facilities has required in Section 4.010 and 4.020.

F. Uses permitted as Special Exceptions: There are no uses permitted as Special Exceptions in the I-3 Special Impact Industrial District.

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

H. General Requirements Applicable to All Uses:

- 1. No excavation or filling shall be made within 100 feet of any boundary of the site.
- 2. Side slopes of excavation and fills in earth, sand, or gravel shall not exceed 1 foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.

3. A chain link wire fence 6 feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provision shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of groundwater wells.
6. A layer of clean earth, at least two feet thick, shall be deposited and thoroughly compacted over all filled to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or condensate to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facility shall be provided on site in accordance with the requirements of the Department of Health and Environment.

I. Requirements for Specific Uses.

1. Requirements for incinerators and atomic reactors.

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

2. Requirements for the manufacture or storage of explosives, munitions, or fireworks.

- a) Any such facility shall not be located on a site having an area of less than 50 acres.
- b) No principal building or structure shall be located closer than 200 feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than 200 feet from any site boundary line.

- c) A security guard shall be stationed at the site at all times for whom a suitable shelter shall be provided.

3. Requirements for solid waste landfills.

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

4. Requirements for hazardous and radioactive wastes.

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

J. Dimensional Requirements: All uses permitted in the I- 3 Special impact industrial district shall comply with the following requirements.

- 1. Minimum lot area:** 10 acres
- Lot with at building setback:** 500 feet

2. Minimum Yard Requirements:

- a) **Front yard setback:** 150 feet.
- b) **Side yard setback:** 100 feet, except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be 150 feet.
- c) **Rear Yard Setback:** 100 feet, except where a rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be 150 feet.

- 3. Maximum lot coverage:** on any lot or tract containing one or more structures. The area occupied by all structures, including accessory structures, shall not exceed 40% of the total area.

- 4. Height Requirements:** No principal structure shall exceed 40 feet in height except as provided in Section 7.030.

- 5. Parking Space Requirements:** As regulated in Section 4.010.

6. Accessory Structures:

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

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

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

K. Performance Bond Required: Any application for Final Site Plan approval shall be accompanied by performance bond in the amount of the estimated cost of site improvements, including, but not limited to, water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in the form of cash, certified check, irrevocable letter of credit or surety bond. In the event that the applicant fails to comply with the approved site plan, the City Attorney shall cause the bond to be forfeited and have necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission upon the owner builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

5.060 Airport Zoning Provisions

5.061 Statutory authorization: This Ordinance shall be known and may be cited as the Centerville Municipal Airport Zoning Ordinance.

5.062 Definitions: As used in this Ordinance, unless the context otherwise requires:

1. **Airport-** the Centerville Municipal Airport.
2. **Airport Elevation-** 768 feet above mean-sea-level.
3. **Approach Surface-** A surface longitudinally centered on the extended runway center line extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection 5.064 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **Approach, Transitional, Horizontal, and Conical Zones-** These zones are set forth in Subsection 5.063 of this Ordinance.
5. **Board of Appeals -** The duly appointed Centerville Board of Zoning Appeals to hear and decide on issues related to adjustments, appeals, Special Exceptions, or variances to the established Zoning Ordinance. The Board of Appeals may also be referred to as the Board of Zoning Appeals.
6. **Conical Surface-** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1, for a horizontal distance of 4,000 feet.

7. **Hazard to Air Navigation-** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **Height-** For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean- sea-level elevation unless otherwise specified.
9. **Horizontal Surface-** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. **Larger than Utility Runway-** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds, maximum gross weight, and jet powered aircraft.
11. **Non- Conforming Use-** Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Ordinance or an amendment thereto.
12. **Non- Precision Instrument Runway-**A runway having existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment for which a straight-in, non-precision instrument approach procedure has been approved or planned.
13. **Obstruction-** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Subsection 5.064 of this Ordinance.
14. **Person-** An individual, firm, partnership, corporation, company, association, joint stock association, or government entity, including a trustee, a receiver, an assignee, or similar representative of any of them.
15. **Primary Surface-** A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway, the width and elevation of the primary surface is set forth in Subsection 5.063 of this Ordinance.
16. **Runway-** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
17. **Structure-** An object including a mobile object, constructed, or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
18. **Transitional surfaces-** These surfaces extend outward at 90-degree angles to the runway center line, and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces.
19. **Tree-** Any object of natural growth.
20. **Utility runway-** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
21. **Visual runway-** A runway intended solely for the operation of aircraft using visual approach procedures.

5.063 Airport Overlay Districts- In order to carry out the provisions of this Ordinance, there are hereby created and established certain services that include all of the land line beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Centerville Airport. Such surfaces are to be included as overlay districts to the existing official Zoning Atlas of Centerville, Tennessee.

An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation. The various airport overlay districts are hereby established and defined as follows:

- A. Primary surface:** Established as the imaginary surface 500 feet wide, longitudinally centered on the runway and extends a length of 200 feet beyond each end of the runway. The elevation of any point on the longitudinal profile of the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Centerville Airport is 768 feet above mean-sea-level.
- B. Horizontal surface:** All the airspace that lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height 918 feet above mean-sea-level. The horizontal surface is hereby established as being an area defined by two semicircles, each having a radius point located 200 feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being 10,000 feet and lines parallel with this runway center line connecting the semicircles. The horizontal surface does not include the approach/ departure surface and the transitional surface.
- C. Conical surface-** All the airspace that lies directly under an imaginary surface, extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 (20 feet outward for each foot upward) and extending a height of 350 feet above the airport elevation (or 1,118 feet above mean-sea-level).
- D. Approach/ Departure Surface (Utility runway, Non-Precision):** An approach/ departure service is established at each end of the runway, which shall have a width of 500 feet at a distance 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3500 feet at a distance of 10,000. 200 feet beyond the end of the runway, its center line being the continuation of the center line of the runway. The approach/ departure surface inclines upward from the base elevation at a slope of 20:1 (20 feet outward for each foot upward) at the end of the runway.
- E. Approach/ Departure Surface (Utility Runway, Visual):** An approach/ departure surface is established at each end of the runway, which shall have a width of 500 feet, at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3,500 feet at a distance of 10,200 feet beyond the end of the runway, its centerline being the continuation of the center line of the runway. The approach/ departure surface inclines upward from the base elevation at a slope of 20:1 (20 feet outward for each one foot upward) at the end of the runway.
- F. Transitional Surface:** All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center line) at a slope of 7:1 from the sides of the primary surface and approach/ departure surface until they intersect the horizontal surface.

5.064. Height Limitations: Except as otherwise provided in the Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.

A. Approach/ Departure Zones – Utility Runway:

- 1) *Runway 02- Non-precision* - 1 foot in height for each 20 feet in horizontal distance, beginning at a point of 200 feet beyond and at the elevation at the end of the runway, extending to a point 10,200 feet from the end of the runway.

- 2) *Runway 20- Visual*- 1 foot in height for each 20 feet in horizontal distance beginning at a point of 200 feet beyond and at the elevation of the end of the runway, extending to a point 10,200 feet from the end of the runway.

B. Transition Zones: 1 foot in height for each seven feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the center line of the runway, extending 200 feet beyond each end thereof and extending to a maximum height of 150 feet above the established airport elevation, which is 768 feet above mean-sea-level. In addition to the foregoing, there are established height limits of 1 foot vertical for each seven feet horizontal distance measured from the edges of all approach zones, extending upward and outward to the points where they intersect the horizontal surface.

C. Horizontal Zone: 150 feet above the established airport elevation, or a maximum of 918 feet above mean-sea-level.

D. Conical Zone: 1 foot in height for each 20 feet of horizontal distance, beginning at the periphery of the horizontal zone extending to a height 350 feet above the airport elevation, or 1118 feet above mean-sea-level.

E. Except Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of the land.

5.065 Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, resulting glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the maneuvering of aircraft intending to use the airport.

5.066. Non-Conforming Uses

A. Regulations Not Retroactive. The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations on the effective date of this Ordinance or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change on the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted.

B. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to request a permit for the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Centerville Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction, such markers and lights shall be installed, operated and maintained at the expense of the City of Centerville (Centerville Municipal Airport).

5.067 Administration

A. Future Uses. Except as specifically provided in A, B, and C, hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall have been applied for and granted, each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to

be determined whether the resulting use, structure, or tree, would conform to the regulations here in prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless the Board of Appeals has approved a variance in accordance with the provisions of the applicable Centerville Zoning Ordinance.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground. Except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones but at a horizontal distance of 4200 feet or more from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
3. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition Zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this Ordinance.

B. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permitted nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or when it is when the application for such permit is made. Except as indicated, all applications for such a permit may be granted.

1. *Non-conforming uses abandoned or destroyed.* Whenever the building official determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
2. *Variances.* Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed in this Ordinance may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the Regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals, unless a copy of the application has been furnished to the Centerville Municipal Airport Board for advice as to the aeronautical effects of the variance. If the Centerville Municipal Airport Board does not respond to the application within 15 days of receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.
3. *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable, to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain at the owner's expense such markings and lights as may be necessary. If deemed proper by the Board

of Zoning Appeals, this condition may be modified to require the owner to permit the Town of Centerville, at its own expense, to install, operate and maintain the necessary markings and lights.

C. Permit Issuance. The Centerville Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this Ordinance. All permit applicants shall apply to the Office of the Centerville Building Inspector, which has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permit shall be issued under the terms and requirements of the pertinent zoning Ordinance and regulations here in prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use, and height limitation of any and all structures or trees.

D. Enforcement. It shall be the duty of the Centerville Building Inspector duly appointed to enforce the zoning codes and to administer, inspect and enforce the provisions set forth in this Ordinance.

E. Appeals and Adjustments. Applicants may seek adjustments, appeals, special exceptions, and interpretations to this Ordinance through the Board of Zoning Appeals in Centerville, which has zoning jurisdiction over the territory in question. The Centerville Airport Board and the Centerville Municipal Regional Planning Commission may make recommendations to the Board of Zoning Appeals

F. Penalties. Any violation of this Ordinance or any regulation, order, or ruling promulgated hereunder shall be issued penalties as prescribed within the Centerville Zoning Ordinance, which has jurisdiction over the territory in question.

5.068. Validity and Interpretation.

A. Conflicting regulations. Where there exists a conflict between any of the regulations or limitations prescribed in the Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

B. Severability. If any of the provisions of this Ordinance, or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**ARTICLE VI
PROVISIONS GOVERNING FLOODPLAIN DISTRICTS**

SECTION

6.010 Statutory Authorization, Findings of Fact, Purpose, and Objectives

6.020 Definitions

6.030 General Provisions

6.040 Administration

6.050 Provisions for Flood Hazard Reduction

6.060 Variance Procedures

6.070 Legal Status Provisions

6.010. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Section A. Statutory Authorization. The Legislature of the State of Tennessee has, in Sections 13-7-201 through Section 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 Centerville Mayor and Board of Alderman does ordain as follows.:

Section B. Findings of Fact.

1. The Centerville 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, Chapter One (10-01-04 edition)
2. Areas of Centerville 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 flood proofed or otherwise unprotected from flood damages.

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

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

Section D. Objectives. The objectives of this Ordinance 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 home buyers are notified that property is in floodable area.
8. To maintain eligibility for participation in the National Flood Insurance Program.

6.020. Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

Accessory Structure. Shall represent a subordinate structure to the principal structure, and for the purpose of this section shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities, such as electrical and heating equipment, shall be elevated or flood proofed.

Act means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 USC 4001-4128.

Addition to an existing building means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load bearing wall shall be considered new construction.

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

Area of shallow flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map with 1% or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

Area of special flood hazard is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, zone A is usually refined into Zones A, AO, AH, A1-30, AE, or A99.

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year.

Basement means that portion of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Building means any structure built for support, shelter or enclosure for any occupancy or storage. See Structure.

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

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

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

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

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

Existing construction means any structure for which the start of construction commits before the effective date of the first floodplain management code or Ordinance as adopted by the community as a basis for that community's participation in the National Flood Insurance Program.

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 its 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.

Existing structures. See existing construction.

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

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

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a 1% or greater chance of occurrence in any given year.

Flood Elevation Study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations. Or an examination, evaluation, or determination of mudslide, mud flow or flood related erosion hazards.

Flood Hazard Boundary Map means an official map of the community issued by the Federal Emergency Management Agency, where the boundaries of Areas of Special Flood Hazard have been designated as Zone A.

Flood Insurance Rate Map means an official map of the community issued by the Federal Emergency Management Agency delineating the areas special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. See definition of flooding.

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

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

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

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

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

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

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

Floor means the top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

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

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior or preliminarily determined by the Secretary of the Interior), as meeting the requirements for an individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered Historic District.
3. Individually listed on the Tennessee Inventory of Historic Places and determined as eligible by states with historic preservation programs, which have been approved by the Secretary of the Interior.
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either A) by an approved state program as determined by the Secretary of the Interior or B) directly by the Secretary of the Interior.

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

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

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

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle unless such transportable structures are placed on a site for 180 consecutive days or longer.

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

Map means the Flood Hazard Boundary Map or the Flood Insurance Rate Map for a community issued by the agency.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum to which base flood elevation shown on the community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

North American Vertical Datum, as corrected in 1988, is a vertical control used as a reference for establishing varying elevations within the floodplain.

100 Year flood. See base flood.

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

Recreational vehicle means a vehicle which is:

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

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

Riverine means relating to, formed by, or resembling a river, including tributaries, streams, brooks, etc.

Special Hazard Area means an area having special flood, mudslide, mud flow and/or flood related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A 99, or AH.

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of

permanent construction of a structure, including a manufactured home on a site, such as the pouring of slabs or footings the installation of piles. The construction of columns or any work beyond the stage of excavation and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation such as clearing, grading, and filling, nor does it include the installation of streets and or walkways. Nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms, nor does it include the installation of 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 the building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency. The Tennessee Department of Economic and Community Developments 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.

Structure for purposes of this section means a walled and roofed building that is principally above ground and manufactured home, a gas or liquid storage tank and other man-made facilities or infrastructures.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure taking place during a five year period in which the cumulative cost equals or exceeds 50% 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 one 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 to any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure.

Substantially Improved Existing Manufactured Home Parks or Subdivisions is where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the street's utilities or appearance before the repair, reconstruction, or improvement commenced.

Variance is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance, where specific enforcement would result in unnecessary hardship.

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

Water Surface Elevation means the height in relation to the National Geodetic Vertical Datum of 1929 or other data more specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

6.030 General Provisions.

Section A. Application. This Ordinance shall apply to all areas within the incorporated area of Centerville, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard. The Areas of Special Flood Hazard identified on the Centerville (Hickman County), Tennessee, Federal Emergency Management Agency Flood Insurance Study (FIS) 47081CV000A and Flood Insurance Rate Map (FIRM) Community Panel Number 470081C-0170D, 0180D, 0185D, 0186D, 0187D, 0188D, 0189D, 0195D; Community No. 470092, effective date August 4, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance. No land, structure or use shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be 1) considered as minimum requirements, 2) liberally construed in favor of the governing body, and 3) deemed to neither limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the town of Centerville, Tennessee. Or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made here under.

Section H. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of its conditions and safeguards established in connection with grants of variances, shall constitute A misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered as separate offense.

Nothing herein contained shall prevent the Town of Centerville, Tennessee, from taking other such lawful actions to prevent or remedy any violation.

6.040 Administration.

Section A. Designation of Ordinance Administrator. The Building Inspector is hereby appointed as the administrator to implement the provisions of this Ordinance.

Section 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, earth and 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 Ordinance.
- b) Elevation in relation to mean sea level to which any non-residential building will be flood proofed or BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c) Design certificate from a registered professional engineer or architect that the proposed nonresidential flood proof building will meet the flood proofing criteria in Article 4, Section 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 the 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 levels shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same. When flood proofing 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 the same.

Any work undertaken prior to submission of this certification shall be at the permit holder's risk. The Administrator shall review the above referenced certification data. Deficiencies detected by such reviews 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 caused to issue a stop work order for the project.

Section 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 Ordinance have been satisfied and that proposed building sites will be reasonably safe from flooding.

2. Advice to permittee that additional federal or state permits may be required, and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 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 water course, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated water course, submit engineering data and analysis within 6 months to the Federal Emergency Management Agency to ensure accuracy of the Community Flood Maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.
5. Record the elevation in relation to mean sea level or the highest adjacent grade where applicable. Of the new lowest floor, including basement, of all new or substantially improved buildings, in accordance with Article 4, Section B.
6. Record the actual elevation in relation to mean sea level, or the highest adjacent grade, where applicable, to which the new or substantially improved buildings have been flood proofed in accordance with Article 4, Section B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 4, Section 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 an actual field condition), 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 Ordinance.
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 source, including data developed as a result of these regulations. As criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this Ordinance.

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 the building to be elevated or flood proof to a level of at least three feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Ordinance). All applicable data, including elevations or flood proofing certification, shall be recorded as set forth in Article 4, Section B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

6.050 Provisions for Flood Hazard Reduction.

Section A. General Standards. In all flood prone areas, the following provisions are required:

1. New construction and substantial improvements 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 component during conditions of flooding.
6. New and replacement water supply system shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this Ordinance shall meet the requirements of new construction as contained in this Ordinance.
10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provisions of this Ordinance shall be undertaken only if the said nonconformity is not further extended or replaced.

Section B. Specific Standards. These provisions shall apply to all Areas of Special Flood Hazards 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 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure opening 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 Article 5, Section 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 flood proofed to a level of at least three feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Ordinance). All applicable data, including elevations or flood proofing certification, shall be recorded as set forth in Article 4, Section B.

2. **Nonresidential 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 flood proofed no lower than one foot above the level of the base flood elevation.

With 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 flood proof to a level of at least three feet above the highest adjacent grade, lowest floor and highest adjacent grade as defined in Article 2 of this Ordinance. All applicable data, including elevations or flood proofing certifications, shall be recorded as set forth in Article 4, Section B.

Buildings located in all A-Zones may be flood proofed in lieu of being elevated, provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and are built with structural components having the capability of resisting hydrostatic

and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the administrator as set forth in Article 4, Section 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 floodwaters 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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 2. The bottom of all openings shall be no higher than one foot above the finished grade.
 3. Openings may be equipped to 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, such as the standard exterior door, or entry to the elevated living area, such as a stairway or elevator.
 - c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters, and all such petitions shall comply with the provisions of Article 5, section B of this Ordinance.

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:
 1. When base flood elevations are available, the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one 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 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 Article 5, Section B (4) of this Ordinance.
- 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 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 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 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 proposal 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 50 lots and or five acres in area.

Section 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 Article III, Section B are areas designated as flood ways. A floodway may be 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 analysis 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 recurrence 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 building shall comply with all applicable flood hazard reduction provisions of Article 5.

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

Located within Areas of Special Flood Hazard established in Article III, Section B, where streams exist with base flood data provided, but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new structures, or substantial improvements, shall be located within Areas of Special Flood Hazard 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 foot at any point within the Community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated, or flood proofed to elevations established in accordance with Article 5, section B.

Section E. Standards for Streams Without Established Base Flood Elevations or Floodways- A zones.

Located within the Areas of Special Flood Hazard established in Article 3, where streams exist but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provision shall apply.

1. When base flood elevation data or floodway data have not been provided in accordance with Article 3, then the Administrator shall obtain, review, and reasonably utilize any scientific or historic based flood elevation and floodway data available from a federal, state, or other source. In order to administer the provisions of Article 5. Only if data is not available from these sources, then the following provisions (2 and 3 below) shall apply:
2. No encroachments, including structures or film material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the 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 anticipated development, will not increase the water surface elevation of the base flood more than one 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, new construction, or substantial improvements of existing shall have the lowest floor at the lowest enclosed area, including the basement, elevated no less than three feet above the highest adjacent grade at the building site. Opening sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B, and “Elevated Buildings”.

Section F. Standards for Area of Shallow Flooding, AO, and AH zones.

Located within the Areas of Special Flood Hazard established in Article 3, Section B are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet, 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 is substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot above the flood depth number specified on the Flood Insurance Rate Map, 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 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwater shall be provided in accordance with standards of Article 5, Section B, and “Elevated Buildings”.
2. All new construction and substantial improvements of nonresidential buildings may be flood proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be flood proofed and designed watertight to be completely flood proofed to at least one 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 fled proved to at least three 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 Ordinance, and shall provide such certification to the Administrator as set forth above and as required in Article 4, Section 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.

Section G. Standards for Areas Protected by Flood Protection System (A-99 Zones). Located within the Areas of Special Flood Hazard established in Article 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 Article 4 and Article 5, Section A shall apply.

Section H. Standards for unmapped streams. Located within Centerville, Tennessee, are unmapped streams where Areas of Special Flood Hazard are neither indicated nor identified. Adjacent to such streams, the following provision shall apply.

1. In areas adjacent to such unmapped streams, no encroachments, including fill material or structure, 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 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 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 proof to elevations established in accordance with Article 4.

6.060 Variance Procedures. The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within Centerville, Tennessee.

Section A. Board of Zoning Appeals.

1. The Centerville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure, and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance and.
 - a) The danger that materials may be swept onto other property to the injury of others.
 - b) The danger to life and property due to flooding or erosion.
 - c) The Susceptibility of the proposed facility and its contents to flood damage.
 - d) The importance of the services provided by the proposed facility to the Community.
 - e) The necessity of the facility to a waterfront location in the case of a functionally dependent facility.
 - f) The availability of alternative locations not subject to flooding or erosion damage for the proposed use.
 - g) The relationship of the proposed use to the Comprehensive Plan and Floodplain management program for that area.
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - j) The cost of providing governmental services during and after flood conditions, including maintenance and repair of Public Utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

4. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. 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. The 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 blood 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 risk 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.

6.070 Legal Status Provisions.

Section A. Conflict with other Ordinances. In case of conflict between this Ordinance and any part thereof, and the whole or part of any existing or future Ordinance of Centerville, Tennessee, the most restrictive shall in all cases apply.

Section B. Validity. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Section C. Effective Date. This Ordinance shall become effective immediately after its passage in accordance with the Charter of Centerville, Tennessee and the public welfare demanding it.

**ARTICLE VII
EXCEPTIONS AND MODIFICATIONS**

SECTION

7.010 Scope

7.020 Non-Conforming Uses

7.030 Exceptions to Height Limitations

7.040 Lots of Record

7.050 Exceptions to Front Setback Requirements

7.060 Absolute Minimum Lot Size

7.010 Scope. Article 6 of this Ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article 4 and Article 5.

7.020 Non-Conforming Uses. The provisions governing nonconforming uses are established in order to provide a gradual remedy for existing undesirable conditions resulting from incompatible nonconforming uses. 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. It is the intent of this Ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of passage of this Ordinance, or any amendment thereto shall be allowed to remain subject to the following provisions.

- A. *Change from nonconforming use to another use.* An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided. However, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals. And subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- B. *Area Restriction.* A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this Ordinance.
- C. *Discontinuation of a Nonconforming Use* (Amended by Ordinance 772, July 8, 2008). When a non-conforming use of any structure or land has been discontinued for a period of 30 months or is currently required in 13-7-208 of Tennessee Code Annotated, it shall not be re-established or changed to any use not in conformity with the provisions of this Ordinance.
- D. *Damage to a Non-Conforming Use* (Amended by Ordinance 772 on July 8th, 2008). Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, war, or terrorist act, or any natural or man-made disaster may be reconstructed and used as before if reconstruction is completed within 30 months of such damage.
- E. *Damage or destruction of commercial or industrial nonconforming uses.* Any commercial or industrial use subject to the provisions of this section shall be allowed to destroy and reconstruct new facilities necessary to conduct such operation, provided that no destruction or rebuilding.
 - 1. Shall result in a change of one non-conforming use to another nonconforming use.
 - 2. Shall infringe upon or increase the extent of any infringement existing at the time of this Ordinance upon any open space required by this Ordinance.

3. Shall take place upon his own lot other than that upon which set use was operating as of the effective date of this Ordinance.

F. *Alteration of a Non-Conforming use.* A non-conforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. These provisions shall not be construed To prevent normal maintenance and repairs or alterations required for structural safety.

G. *Alteration of Commercial and Industrial Non-Conforming 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 alteration may be made which would result in a change from one nonconforming use to another nonconforming use, and further provided that any such alteration permitted here under shall take place only upon the zone lots on which said use was operating as of the effective date of this Ordinance.

H. *Expansion of Commercial and Industrial Non-Conforming Use.* Any commercial or industrial use subject to the provisions of this section shall be allowed to continue an operation and to expand, provided that no expansion permitted under this section.

1. Shall result in a change of one nonconforming use to another non-conforming use.
2. Shall infringe upon or increase the extent of any infringement existing at the time of this Ordinance upon any open space required by this Ordinance.
3. Shall take place upon a zone lot other than that which said use was operating as of the effective date of this Ordinance.

7.030 Exceptions to Height Limitations. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flagpoles, radio towers, masts and aerials.

7.040 Lots of Record. The following provision shall apply to all existing lots of record.

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

7.050 Exceptions to Setback Requirements. The front setback requirement of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots within 100 feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front

yards on developed lots within 100 feet on each side of the lot. In residential districts, however, the setback shall in no case be less than 15 feet from the street right of way line.

7.060 Absolute Minimum Lot Size. In no case shall the Building Inspector or the Board of Zoning Appeals permit any lot in a residential district to be used as a building site which is less than 5,000 square feet in total area and 30 feet in width at its narrowest point or has a front setback of less than 15 feet in a side setback of less than three feet.

7.070 Application for Rezoning.

A. Whenever an application for an amendment to a text or map of the Zoning Ordinance is denied by the Board of Mayor and Alderman, the application for such amendment shall not be eligible for reconsideration, except in the following cases.

1. Upon initiation by a motion to reconsider, carried out in full compliance by the new Roberts Rule of Order, Section 4, Section 36, and all subsequent additions and codified amendments.
2. When a new application, although involving all or proportion 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 comprehensive plan and this plan was subsequently amended in a manner which will allow the proposed zoning.
4. When the Applicant believes there is substantial change in fact that will give rise to a reversal of the rezoning denial, they may once again petition the Planning Commission. The Applicant will pay the rezoning request fee and decision will be rendered by the Plans Review Committee to allow or disallow the Applicant to be heard at the next available Planning Commission. As always, the Planning Commission will provide a recommendation on the request that the Applicant will take with them to the Board of Mayor and Aldermen for ultimate determination.

B. The lack of a motion on the rezoning in question shall not constitute a denial. A motion to deny the rezoning that is seconded and passed by a majority vote of the Board of Mayor and Alderman shall constitute a denial.

1. If no motion is made, the petitioner maintains the right to continue to pursue a legitimate motion with the vote at a subsequent meeting of the Board of Mayor and Alderman.
 - a) If the meeting where the lack of motion occurred was preceded by a public hearing on this rezoning, the requested this subsequent meeting should also be preceded by a public hearing with 15 days public notice.
 - b) Because no motion was made on the request, the petitioner shall be exempt from the additional rezoning or public advertising fees until legitimate motion on the rezoning is voted upon.
 - c) If the Applicant's request is denied by the Board of Mayor and Alderman, and Items 2 or 3 of Section 7.070, Subsection A, above are met, the Applicant must initiate the process from the beginning and seek a recommendation from the Planning Commission and once again pay the required fees.

**ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT**

SECTION

- 8.010 Administration of the Ordinance**
- 8.020 The Enforcement Officer**
- 8.030 Building Permits**
- 8.040 Temporary Use Permits**
- 8.050 Certificate of Occupancy**
- 8.060 Board of Zoning Appeals**
- 8.070 Variances**
- 8.080 Procedures for Authorizing Special Exceptions**
- 8.090 Amendments to the Ordinance**
- 8.100 Penalties**
- 8.110 Remedies**
- 8.120 Separability**
- 8.130 Interpretation**
- 8.140 Effective Date**

8.010 Administration of the Ordinance. Except as otherwise provided, no structural or land shall, after the effective date of this Ordinance, be used, and no structure or part thereof shall be erected, altered, or moved, unless in conformity with the regulations here and specified for the district in which it is located. In their interpretation application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other Ordinances, Resolutions, and regulations heretofore adopted, or which may be adopted and hereafter impose greater restrictions than those specified here in compliance with such other Ordinances, Resolutions, or regulations is mandatory.

8.020 The Enforcement Officer. The provisions of this Ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this Ordinance, he shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all certificates of occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all temporary use permit and make him maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file, and forward to the Board of Zoning appeals all applications for variances or other matters on which the Board is required to act under the provisions of this Ordinance.
- F. Conduct inspections as required in this Ordinance and such other inspections as are necessary to ensure compliance with the various other general provisions of this Ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

8.030 Building Permits. It shall be unlawful to commence the excavation for, or the construction of, any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to change the use of a building or structure, or to commence the filling of land without a permit, therefore, issued by the Building Inspector. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this Ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this Ordinance.

A. Application. Application for a building permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for building permits shall be accompanied by a plan or plat in duplicate, drawn to scale and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of other buildings or structures already on the lot, and the elevations of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Within an area subject to flood, the following additional information is to be included as part of an application for a building permit:

1. Copies of all federal and state permits required for the construction of development, as shown on the plans.
2. For structures to be elevated to secure a lowest floor elevation, above the level of the 100-year flood:
 - a) A site plan showing boundaries of the property and the location and size of the proposed structures.
 - b) Topographic information showing existing ground elevations, proposed ground elevations and lowest floor elevations in relation to mean sea level, certified by registered professional engineer, architect or land surveyor.
 - c) Plans showing the method of elevating the proposed structure, including details of proposed fill, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Building Inspector, these plans shall be prepared by registered professional engineer or architect.
3. For structures to be flood proofed (**non-residential only**) to an elevation of at least one foot above the level of the 100-year flood:
 - a) A site plan showing boundaries of the property and the location and size of proposed structures.
 - b) Topographic information showing existing ground elevations, proposed ground elevations and lowest floor elevations in relation to mean sea level, certified by registered professional engineer, architect or land surveyor.
 - c) Detailed plans for the flood proofing measures prepared by registered professional engineer or architect, certifying that the proposed structure, together with attendant utilities and sanitary sewer facilities, is designed so that 1) below an elevation of 1 foot above the level of the 100 year flood, the structure is watertight with walls substantially impervious to the passage of water and 2) the structure will withstand the hydrostatic, hydrodynamics, buoyant, impact or other forces resulting from the flood depths, velocities, pressures, debris and other factors associated with the 100 year flood conditions at the site.

B. Fee. The Centerville Board of Mayor and Alderman shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the office that the Building Inspector and City Hall. Only the City Board may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit. If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not

approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

D. Construction progress. Any building permit issued becomes invalid if work authorized by it is not commenced within six months of the date of issuance or of the work authorized by the permit is suspended or discontinued for a period of one year.

8.040 Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector as provided for in Article 4, Section 4.030 of this Ordinance. Application for a temporary use permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Centerville Board of Mayor and Alderman. Such schedules shall be posted in the Office of the Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050 Certificate of Occupancy. No land, or building, or other structure, or part thereof hereafter erected, moved, or altered in its use, shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof, is found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this Ordinance, or if such certificate is refused, to state the refusal in writing with the cause for such refusal.

8.060 Board of Zoning Appeals. In accordance with §13-7-205 through §13-7-207 of the Tennessee Code Annotated, the Centerville Board of Zoning Appeals shall consist of three members to be appointed by the Mayor and confirmed by majority vote of the Board of Alderman. At least one of the members shall also be a member of the Centerville Municipal Planning Commission.

8.060.1 Term of Offices of Board Members, Removal and Vacancies. The members of the Board shall serve for three-year terms 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 year, one for two years, and one for three years. All members of the Board shall serve with such compensation as may be fixed by the Board of Alderman and may be removed from membership on the Board for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said Board shall be filled for the unexpired term of those members whose position had become vacant in the manner provided herein for the appointment of such member.

8.060.2 Powers of the Board of Zoning Appeals. 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 8.070 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 applications for Conditional Use Permits in the manner and subject to the standards set out in section 8.080 of this Article.
4. Hear and decide all matters referred to it on which it is required to act under this Ordinance.
5. Interpret the boundaries of the flood hazard districts on appeal from a decision of the Building Inspector.

8.060.3 Election of Officers. The Board shall elect from its members its own Chairman, Vice Chairman, and Secretary, who shall serve for one year and may upon election serve succeeding terms.

8.060.4 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 conflict rests with the individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

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

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

1. The presence of three members of the municipal board shall constitute a quorum. The concurring vote of at least a majority of those present shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after the public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Centerville, at least 10 days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than 15 days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedure herein.
3. The Board may call upon any Office or Agency of City Government for information in the performance of its duties, and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board, and such opinions shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the City or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law.
6. In any decision made by the Board on a variance, the Board shall:
 - a) Indicate the specific section of this Ordinance under which the variance is being considered and shall state its findings beyond such generalities as in the interest of public health, safety, and general welfare.
 - b) In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board.
7. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its findings beyond such generalities as in the interest of public health, safety, and general welfare, and shall state clearly the specific conditions imposed in granting such permit.
8. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown.
9. At the public hearing at the case before the Board, the appellant shall appear in his own behalf or be represented by council or agent. The appellant 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.

8.060.7 Stay of Proceedings. An appeal shall state all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after such notice of appeal shall have been filed, that, by reason of facts stated in the certificate, such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the zoning administrator, and on due cause shown.

8.060.8 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 Centerville in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability, and shall be held harmless by the City of any damage that may accrue to persons or property as a 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 representative furnished by the City until final termination of such proceedings.

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

- 8.060.10 Rehearing.**
1. No rehearing of the decision of the Board shall be had, except on motion to reconsider the vote or on a written request for a rehearing.
 2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may by Resolution in each case stipulate.
 3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on calendar for a rehearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request, and shall be verified and accompanied by the necessary data and diagrams. The person requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.
 4. No rehearing for a variance shall be granted to an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions that a prior variance granted under the authority of this Article.

8.060.11 Time Limitations on Obtaining Permits. All permits authorized by the Board of Zoning Appeals after the effective date of this Ordinance, whereby variances, Special Uses or Exceptions, or Conditional Uses are granted, shall be obtained within three years from the date of the original authorization by the Board. Otherwise, the right to obtain said permit shall expire and become invalid.

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

8.070.1 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 designated agent on forms provided by the Board and application shall contain information and exhibits may be required under Article 3, Section 3.120. No more than sixty days after the filing of an application, a hearing shall be held on the application unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Section F of this Chapter. A fee of \$25 payable to the Town 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.

8.070.2 Notice to Affected Property Owners. It shall be the general rule of the Board that reasonable effort 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 certified mail, return receipt requested. Return receipts shall be maintained and subject to public examination upon request.

8.070.3 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 surroundings, shape, topographic conditions at 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 its own 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 districts.
7. The variance is the minimum 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 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.

8.070.4 Non-Conformity Does Not Constitute Grounds for the Granting of the 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 for the issuance of the variance.

8.070.5 Prohibition of Use Variances. Under no circumstances shall the Board of Appeals grant a variance to allow use not permissible under the terms of this Ordinance and the district involved, or any use expressly or by implication, prohibited by the terms of this Ordinance and said district.

8.070.6 Conditions and Restrictions by the Board. The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 8.070.3 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.

8.070.7 Board has powers of Administrative Officer 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.

8.070.8 Variance Appeals. Any person, including any agency of the City Government, aggrieved by a decision of the Board on a variance, may appeal by Certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

8.070.9 Special Provisions Governing the Consideration of Variances from the provisions of Floodway and Floodway Fringe Districts. The following requirements are additional to those set forth in other sections of this Ordinance and apply to the granting of variances from the provision of the Floodplain District, Article 6.

1. *Findings by the Board.* Upon this submission of a written application to the Board, the variance may be granted permitting the erection of structures with a lowest floor elevation, including basement lower than the regulatory flood elevation if all of the following are met:
 - a) Good and sufficient cause exist for the granting of the variance.
 - b) Failure to grant the variance would result in exceptional hardship to the applicant.
 - c) The issuance of the variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - d) The variance allowed is the minimum necessary to afford relief.
 - e) The variance would not have the effect of nullifying the intent and purpose of the Ordinance.
 - f) All applications for variances shall be heard by the Board after reference to such committees and administrative officials as may be established for purposes of investigation and recommendation.
 - g) Prior to the granting of a variance, the Board must find that justification exists in accordance with the terms of this Ordinance. These findings, together with the grant of the variance, shall be reduced to writing and made a part of municipal records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance application.
 - h) Such variance shall be freely transferable with the land and shall not apply individually to the applicant.
 - i) Unless otherwise provided therein, a variance shall be valid for a period of one year after the date of its issuance. If construction has not commenced pursuant thereto with such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
 - j) No variance, except as here and specifically permitted, may be granted from the provisions of this Ordinance. The variance procedures herein provided shall be the exclusive method for obtaining variances.
2. *Content of Application.* Each written application for a variant shall reflect the type of structures for which a variance is sought, the size of such structures, the approximate location upon the parcel, and the intended use thereof.
3. *Restriction of Variances.* Due to the extreme hazardous conditions within the floodway and the effect of obstructions to upstream structures, no variant shall be issued within the designated floodway district, which would result in any increase in flood levels during the regulatory flood discharge.
4. *Notice to applicant upon approval of variances.* Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the flood prone areas, but the structure will be permitted to be built with the lowest floor elevation 1 foot below the regulatory flood elevation, and

that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

8.080 Special Exceptions (Conditional Use) Permits.

8.081 Conditional Uses. The Board of Appeals may hear and decide, in accordance with the provisions of this Ordinance, requests for conditional use permits. For the purpose of administration of this Ordinance, conditional uses shall be construed as synonymous with special exceptions as controlled by Section 13-7-206, Tennessee Code Annotated.

8.082 Application for Conditional Use Permit; Notice of Public Hearing. The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board and shall contain information and exhibits as may be required under Section 8.085 or, in the case of buildings or other structures or uses to be located within the floodplain districts, as may be required by Article 6. Not more than sixty days after filing such application, unless otherwise withdrawn or postpone upon written request by the applicant, a notice of hearing shall be held in accordance with Section 8.060 (C). A fee of \$25 payable to the City shall be charged to partially defray cost of review in processing for each application for a conditional use permit, except that the fee shall be waived for any government agency.

8.083 Requirements for Conditional Use Permit. General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by conditional use permit as may be necessary to comply with the provisions set out in Section 8.084 through Section 8.087. In order to reduce or minimize the injurious effect of such conditional 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 conditional use permit.

8.084 General Requirements. A conditional use permit 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 conditional uses or special exceptions as set forth in this Ordinance.
4. Conforms to all applicable provisions of this Ordinance for the district in which is to be located and is necessary for public convenience in that location.

8.085 Special Provisions Governing Consideration of Conditional Uses within Floodplain Districts. The special provisions contained within this section shall apply to all applications for approval of any conditional use located within any floodplain district.

8.085.1 Special Information Required. In addition to the requirements for conditional uses set out elsewhere in this Ordinance, any application for a conditional use to be located within any floodplain district shall contain the following and any additional information requested by the Board.

- A. A map in duplicate drawn to scale showing the curvilinear line representing the regulatory flood elevation, dimensions of the lot, existing structures, and uses of the lot in adjacent lots, soil type, and natural protective barriers if applicable, existing flood control and erosion control works, existing

drainage elevations and ground contours, location and elevation of existing streets, water supply and sanitary facilities, and other pertinent information.

- B. A preliminary plan showing the approximate dimensions, elevation, and nature of the proposed use, amount, area, and type of proposed fill, area and nature of proposed grading or dredging, proposed alteration of natural protective barriers (if applicable), proposed flood protection or erosion control works, proposed drainage facilities, proposed roads, sewers, water, and other utilities and specifications for building construction and materials included in the flood proofing.

8.085.2 Technical Review Required. The Board shall transmit one copy of the application and all supporting information to the Building Inspector for technical assistance and evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities and other technical matters.

8.085.3 Determination by the Board and Attachment of Conditions. The Board shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. Upon consideration of the factors listed herein and the purposes of this Ordinance, the Board may attach conditions to the granting of special exceptions as it deems necessary to further the purpose of this Ordinance.

8.086 Specific Standards for Community Facilities Activities. In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified in Sections 8.086.1 through 8.086.8, when the standards established or met as part of the condition for issuing the permit in the applicable zone districts.

8.086.1 Special Conditions for Education Facilities.

- A. No such facility shall be permitted on its own lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- B. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- D. The off-street parking requirements of this Ordinance in Article 4, Section 4.010 shall apply.

8.086.2 Special Conditions for Religious Facilities.

- A. No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the district, except those facilities proposed in R1 and R4 districts where the minimum district lot size shall apply.
- B. The location, size and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact on such area.
- C. Such facilities shall be located only on major or collector streets, as shown on the official Major thoroughfare plan.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this Ordinance in Article 4, Section 4.010 shall apply.

8.086.3. Special Conditions for Cultural and Recreational Services.

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums, in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.

- C. The off-street parking requirements of this Ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on properties within the surrounding area.
- F. The site and architectural plan shall first be approved by the Planning Commission, taking into account the above conditions.

8.086.4 Special Conditions for Administrative Services.

- A. All of the bulk regulations of the Zone district shall apply.
- B. The off-street parking requirement shall be as follows: Minimum of 1 space for each vehicle belonging to any agency or department, as well as one space for each two employees, plus additional spaces for the public as determined to be necessary. The loading requirements in Article 4, Section 4.020 shall be met.
- C. The location of such facility shall be determined such that the most efficient service to the community is provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, landscaping may be required, as appropriate, to protect the surrounding residential area.
- F. The site plans for such facility are first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

8.086.5 Special Conditions for Intermediate Impact Facilities.

- A. The location, size and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facilities shall be safely accommodated along major streets without traversing local minor streets.
- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- D. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.
- E. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions, as well as any other pertinent factors related to the use and operation of such facility.

8.086.6 Special Conditions for Special Personal and Group Care Facilities.

1. Daycare centers.

- a) No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet or twice the lot area requirements of the zoning district, whichever is greater.
- b) In R4 districts site in rear yard requirements for residential building shall apply.
- c) All other bulk regulations of the district shall be met.
- d) One accessory off street parking space for each five children accommodated in the childcare facility shall be provided.
- e) Special passenger loading and unloading facility shall be provided on the same zone lot for vehicles to pick up or deliver passengers. Such facilities shall provide for driveways that do not require any backup movements by vehicles to enter or exit the zone lot.
- f) Daycare centers must be connected to the public sewer line if it is available. All facilities must be connected to the public water system.
- g) All regulations of the State of Tennessee that pertain to the use shall be met.

- h) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
 - i) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
 - j) The site and architectural plans for such a facility shall be approved by the Planning Commission, taking into account the above conditions as well as any other Pertinent. factors.
2. *Special conditions for all other uses in this category: Associations for physically or mentally handicapped persons, family and group care facilities, nursing homes, retirement, or rest homes.*
- a) No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet or twice the lot area requirements of the Zone District, whichever is greater.
 - b) All other bulk requirements of the district shall be met.
 - c) The requirement of the accessory off-street parking regulations of this Ordinance and Article 4, Section 4.010 shall apply.
 - d) All regulations of the State of Tennessee shall be met.
 - e) All Public Utilities and sewage disposal shall be available to the site and shall be subject to approval by the Department of Water and Sewer, and site and architectural plans for such a facility shall be approved by the Planning Commission, taking into account the above conditions as well as any other pertinent factors.

8.086.7 Special Conditions for Residential Uses in the Central Business District. It is not the intent of this Ordinance to encourage the construction of single-family detached housing in the Central Business District. Rather, the intent is to encourage renovation of the existing buildings where possible for residential use. The upper floors of some buildings would be ideally suited for dwelling units, with the commercial operations continuing on the first floor. New apartment construction, while subject to slightly different site plan requirements, would also be allowed.

- A. Site plans for any residential uses in the central business district must be approved by the Planning Commission.
- B. Such site plan shall show the location, exterior and interior dimensions of the dwelling, entrances and exits, provisions for parking, any exterior changes if a renovation is planned and connections to utilities.
- C. One off street parking space for each dwelling unit is required, but these spaces may be located up to 500 feet away from the dwelling site.
- D. All state and local codes must be met for renovation and new construction. Where applicable. Any deed restrictions that the developer wishes to convey shall be attached to the site plan.
- E. All district bulk regulations will apply.
- F. When the Planning Commission has reviewed the site plans and approved them, the Board of Appeals shall make a decision on granting the special exception.

8.086.8 Special Conditions and Definitions for Adult Oriented Entertainment Establishments.

- A. No establishment shall be located within 1,000 feet as measured property line to property line of any residents, religious facilities, school ground, college campus, or park.
- B. All establishments shall be located at least 2000 feet, measured property line to property line, of any other adult entertainment business.
- C. No establishment shall be located within 800 feet, measured property line to property line, from any residential zoned property.
- D. Be in compliance with all provisions of Tennessee Code Annotated, Sections 7-51-1101 through 7-51-1122, 7-51-1401 through 7-51-1406, and any applicable regulations of Centerville and Hickman County.

E. All other zoning regulations shall apply.

Definitions.

F. *Adult oriented establishment.* Any adult bookstore, motion picture theater, or commercial Establishment. Which, for a fee or incidentally, to another service, such as the serving of beer or other alcoholic beverages, sells or presents materials, or exhibition, distinguished or characterized by predominant emphasis on matter depicting explicit sexual activities or partially or completely uncovered human genitals or mammary glands. Adult oriented establishments include but are not limited to:

1. *Adult bookstores* means any corporation, partnership or business of any kind which has as its principal or predominant stock and trade books, magazines, or other periodicals and which offers sells or rents for a fee:
 - a) Any sexually oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors.
 - b) Any sexually oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism, or bestiality.
 - c) Any sexually oriented material which has as its principal theme the depiction of sexual activity by or lascivious exhibition of the uncovered genitals, pubic region or buttocks of children who are or appear to be under 18 years of age.
2. *Adult motion picture theaters* mean an enclosed building used for presenting films which are distinguished by an emphasis on matter depicting, describing, or relating to specified sexual activities for observations. By patrons therein.
3. *Adult shows or Adult peep shows*, which includes all adult shows, exhibitions, performances, or presentations which contain acts or depictions of specified sexual activities. This term also includes adult arcades, adult cabarets, and massage parlors.

G. **Sexually oriented material** means any book, article, magazine publication, or written matter of any kind drawing, etching, painting, photograph, motion picture, film, or sound recording that depicts sexual activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region. In a little or lascivious manner, or which exhibits male genitals in a discernibly turgid state, if completely uncovered.

H. **Specified anatomical areas means any of the following:**

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

I. **Specified sexual activity** means any of the following:

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

J. All other definitions as specified in the Tennessee Code Annotated, Sections 7-51-1102 ND 7-51-1401.

8.090 Amendments to the Ordinance. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time, be amended, supplemented, changed, or repealed by the Board of Mayor and Alderman of the Town of Centerville. Any member of the City board may introduce such legislation, or any official, Board or any person may present a petition to the City board requesting an amendment. For amendments to this Ordinance, these amendments must be in relation to the Comprehensive Plan and the general welfare of the Community.

No amendment to this Ordinance shall become effective unless it shall have been proposed by, or shall have first been submitted to, the Centerville Municipal Regional Planning Commission for review and recommendation. The Planning Commission shall have 30 days within which to submit its report. If the Planning Commission disapproves the amendment within the 30 days, it shall require the favorable vote of a majority of the Board of Mayor and Alderman to become effective. If the Planning Commission fails to submit a report within the 30 days, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made unless such change or departure is first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the City Board.

Before enacting an amendment to this Ordinance, the Board of Mayor and Alderman shall hold a public hearing thereon, at least 15 days' notice of the time and place of which shall be published in the newspaper of general circulation in the town of Centerville.

Fee. A fee of \$25, due, and payable at the time of filing the petition, shall be posted with requests to amend the Zoning Ordinance. The fee is to be used by the Town of Centerville to defray cost resulting from such petition and any subsequent amendment of the Zoning Ordinance.

8.100. Penalties. Any persons violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$25, no more than \$50 for each offense. Each day such violations continue shall constitute a separate offense.

8.110 Remedies. In case of any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector, or any other appropriate authority, or any adjacent or neighboring property owner who would be specifically damaged by such violation. In addition to the other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance or use or to correct or abate such violation or to prevent occupancy of such building, structure, or land.

8.120 Separability. Should any section, clause, or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.

8.130 Interpretation. Whenever the conditions of this Ordinance require more restrictive standards than are required in or under any other statute, the requirements of this Ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards that are required by this Ordinance, the conditions of such statute shall govern.

8.140 Effective Date. This Ordinance shall take effect and be enforced from and after the date of its adoption, the public welfare demanding it.