

REGIONAL ZONING ORDINANCE

FOR

MARTIN, TENNESSEE

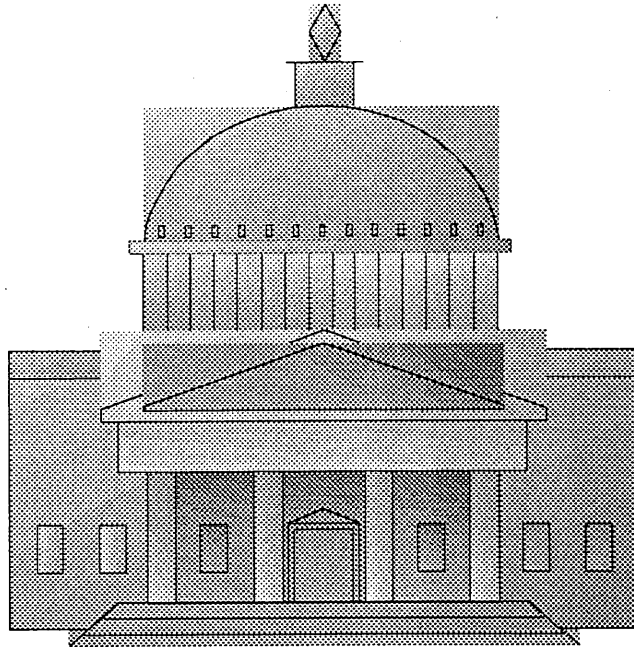
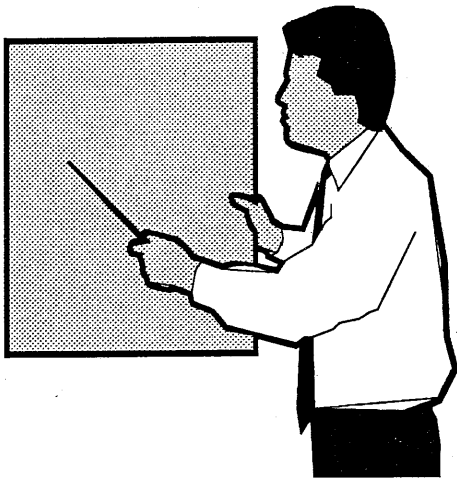
August, 1998

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ARTICLE

1



AUTHORITY, PURPOSE, TITLE & MAP

Section A. Authority

An ordinance in pursuance of the authority granted by Section 13-7-301 through 13-7-306 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, to provide for the establishment of districts or zones within the Planning Region of Martin, Tennessee to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of building, structures and land for trade, industry, residence, recreation, public activities and other purposes, to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF MARTIN, TENNESSEE, AS FOLLOWS:









Section B. Purpose

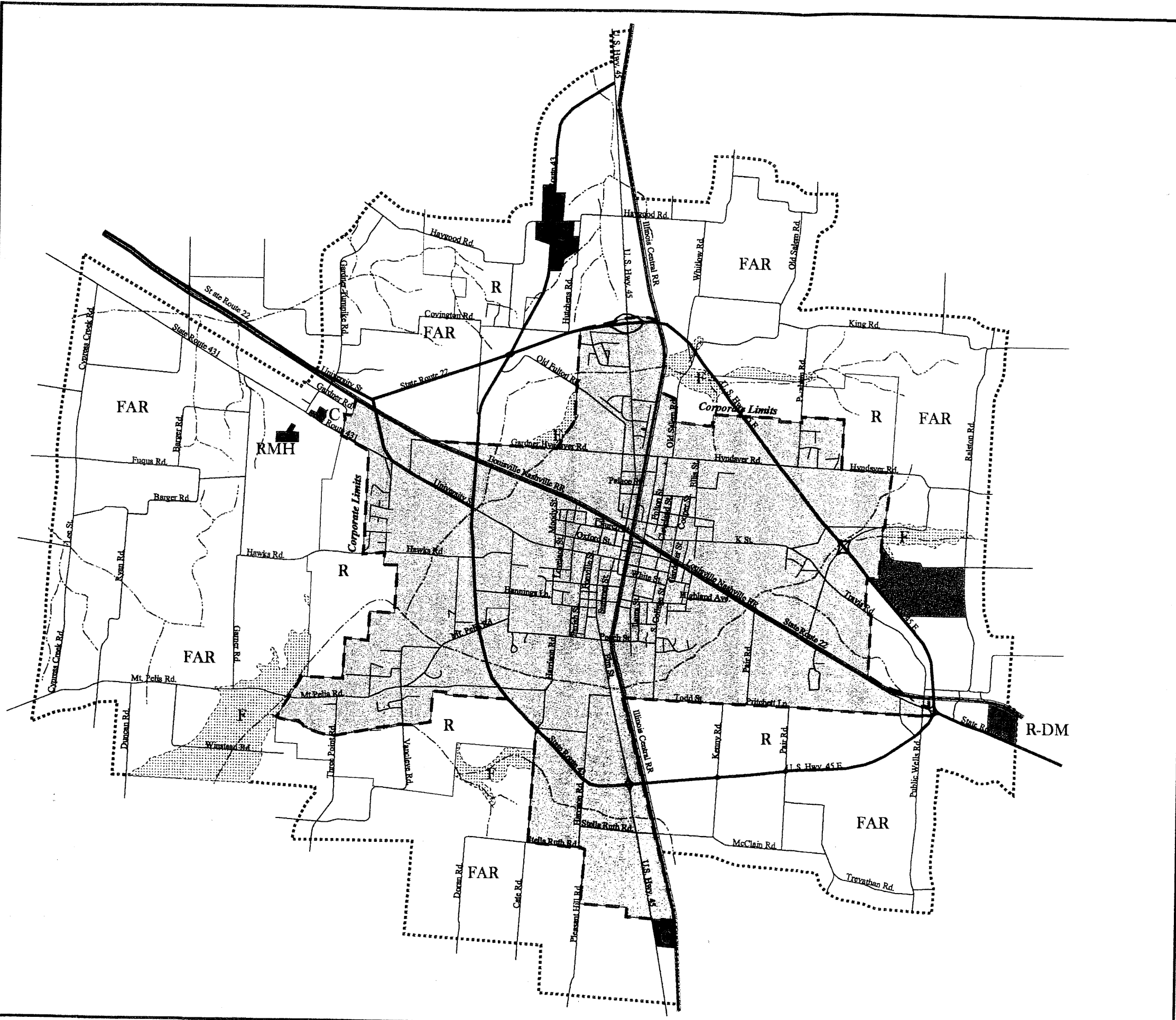
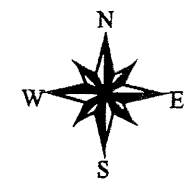
The regional zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of populations, to facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the planning region.

Section C. Title and Map

This Ordinance shall be known and may be cited as the Regional Zoning Ordinance of Martin, Tennessee, and the Map herein referred to which is identified by the title, "Official Regional Zoning Map, Martin, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Regional Zoning Map shall be located in the Martin City Hall and shall be identified by the signature of the Mayor and attested by the City Clerk. The Official Regional Zoning Map may be amended under the procedures set forth in Article 12 of this Ordinance provided, however, that no amendment of the Official Regional Zoning Map shall become effective until after such change and entry has been made on said map and signed by the Mayor and attested by the City Clerk.

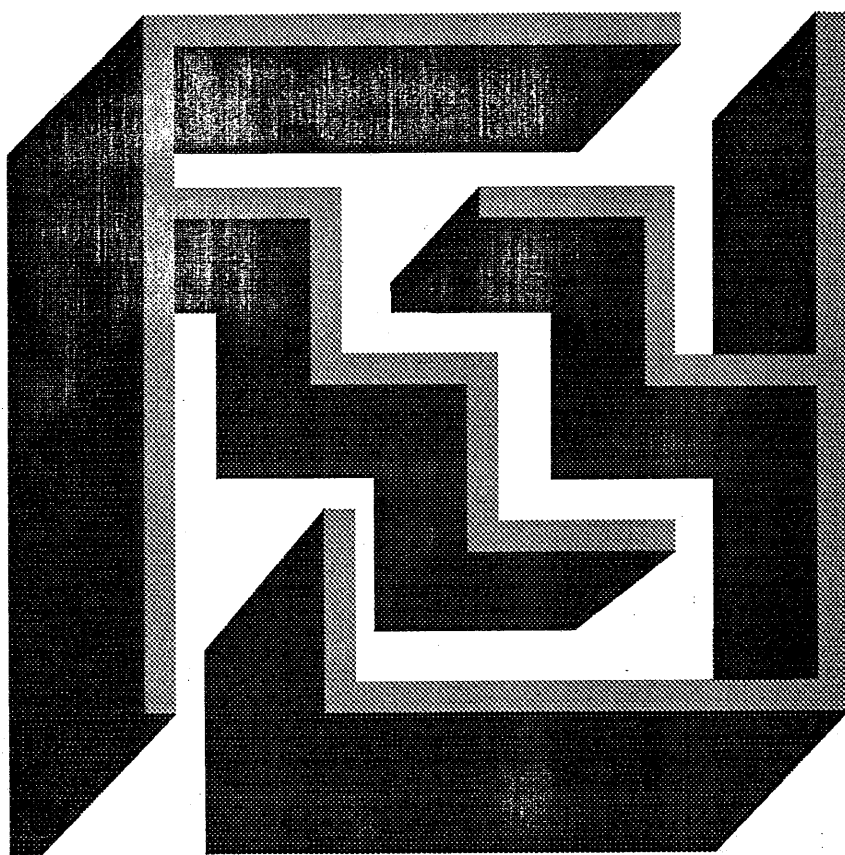
PROPOSED REGIONAL ZONING MAP MARTIN, TENNESSEE

-  FAR - FORESTRY, AGRICULTURAL, RES.
-  R - RESIDENTIAL, SINGLE FAMILY
-  R-MH - RESIDENTIAL-MOBILE HOME
-  R-DM - RESIDENTIAL-DUPLEX MULTI-FAMILY
-  I - INDUSTRIAL
-  C - COMMERCIAL
-  F - FLOOD
-  REGIONAL BOUNDARY



ARTICLE

2



**GENERAL
PROVISIONS**

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to the Planning Region of Martin, Tennessee, as a whole as follows:

Section A. Zoning Affects Every Building and Use

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

Section B. Non-conforming Uses and Structures

If within the districts established by this ordinance or amendments that may later be adopted there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment the following shall apply:

1. Any non-conforming structure may not be extended except in conformity with this ordinance.
2. Any non-conforming use of land or structure may not be changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
3. Any structure housing a non-conforming use may be extended, rebuilt, or repaired so long as the activity takes place on the existing lot with lot being defined as a legally recorded parcel or plot of land created prior to the adoption of this ordinance. Under no circumstances shall the lot be enlarged.
4. Any non-conforming use or structure may not be re-established after discontinuance of 1 year.
5. All non-conforming signs and billboards shall be torn down, altered, or otherwise made to conform within 1 year from the date of the adoption of this ordinance.
6. All non-conforming junk yards, commercial animal yards, and lumber yards not on the same lot with a plant, sales building or factory shall be torn down, altered or otherwise made to conform to the provisions of this ordinance within 5 years from the adoption of this ordinance.

Section C. Buildings Prohibited in Flood Plains

No building permit shall be issued for the construction of any building for any residential, business, industrial or public use, which would be within the flood plain of any creek, ditch or stream, or which is subject to periodic or occasional inundation, as determined by the Board of Zoning Appeals. This shall be construed to include the storage of any materials which may float and cause drainage obstructions.

Section D. Reduction in Lot Area Prohibited

No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section E. Minimum Required Street Frontage

No dwelling shall be erected on a lot which does not have a minimum width of 50 feet at the building setback line and does not abut one of the following for at least 35 feet.

1. A road or street that has been accepted or opened as, or shall have received the legal status of a public street;
2. The street or road corresponds in its locations and lines with a street shown on a subdivision plat that has been approved by the Weakley County Planning Commission or the Martin Regional Planning Commission, or;
3. The lot fronts upon a permanent easement that conforms to all applicable regulations as specified in the Martin Regional Subdivision Regulation.

Section F. Required Yard Cannot be Used by Another Building

No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.

Section G. Rear Yard Abutting a Public Street

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that 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.

Section H. Obstruction to Vision at Street Intersection Prohibited

On a corner lot, there shall be no obstruction to vision between a height of 3¹/₂ feet and a height of 10 feet above the average grade of each street at a distance of 90 feet from the intersection of the intercepting streets.

Section I. Off-street Automobile Storage

1. Off-Street Parking and Paving Requirements

There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this section. Parking space maintained in connection with an existing and continuing principal building on the effective date of this resolution shall not be counted as serving a new building or addition; nor shall any parking space be substituted for loading space, nor any loading space substituted for a parking space. A parking space shall be required for a portion of a unit of measurement .5 or more of the amount set forth herein. A residential off street parking space shall consist of a driveway and either a parking space, carport or garage.

2. Location

Off-street parking shall be located on the same lot in which it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking

space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use.

3. Size and Maneuvering Room

Each parking space shall be equal to an area of 200 square feet. The width shall not be less than 9 feet and the length shall not be less than 18 feet. A minimum of 400 square feet per parking spaces shall be used when computing parking area to include maneuvering space. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.

4. Surfacing

A required parking area of more than 5 spaces, which includes parking spaces, drives and maneuvering lanes, shall be of an asphalt or concrete paved surface. The parking area shall be surfaced within 6 months of date of completion of construction. This requirement does not apply to a single family or two family structure on a single lot.

5. Curbing

A required parking area of more than 5 spaces, which includes parking spaces, drives and maneuvering lanes, shall be provided with a 6" concrete curb or 6" rolled curb.

6. Access

Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

7. May Serve as Yard Space

Parking spaces may be included as part of the required yard space associated with the permitted use.

8. Minimum Number of Spaces for Specific Uses

a. Residential

Dwelling, one and two family, townhouses, multi-family and mobile homes	2 spaces per dwelling unit
Fraternities and Sororities	2 spaces per bedroom plus 1 space for each 300 sq. ft. of common space
Retirement home or assisted living home	1 space per dwelling unit
Hotels, motels, tourist courts and similar transient lodging	1 space per unit plus 1 space for each 400 sq. ft. of public meeting area or restaurant space
All other residential uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals

b. Retail

Lumber and Building Materials	1 space per 500 sq. ft. of total floor area
Plumbing and Heating Supply	1 space per 1,000 sq. ft. of total floor area
Hardware and Paint	1 space per 500 sq. ft. of total floor area
Greenhouse, nursery products, agricultural equipment and lawnmower sales and service	1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of covered or uncovered display area
Shopping Centers and Malls	1 space per 200 sq. Ft of total floor area
General Merchandise, Clothing, Variety and Department Stores	1 space per 200 sq. ft. of total floor area
Furniture, Home Furnishings, Art, Antiques and Books and Stationary Stores	1 space per 400 sq. ft. of total floor area
Grocery Stores and Supermarkets	1 space per 150 sq. ft. of total floor area
Delicatessens and Bakeries	1 space per 150 sq. ft. of total floor area
Package Liquor Store and Beverage Store	1 space per 200 sq. ft. of total floor area
Auto Sales and Service, Auto Parts, Boat Sales and Service, Boat Parts and Motorcycle Sales and Service	1 space per 500 sq. ft. of total floor area
Mobile Home, Semi-Truck and Heavy Equipment Sales.	1 space per 500 sq. ft. of total floor area
Restaurants, Cafes and Cafeteria	1 space per 200 sq. ft. of total floor area
Restaurants, Fast Food	1 space per 100 sq. ft. of total floor area
Taverns, Bars and Drive-in Restaurants	1 space per 150 sq. ft. of total floor area.
Fuel or Gas Stations	1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces

Convenience Store	1 space per 200 sq. ft. of total floor area
Pawn Shop	1 space per 300 sq. ft. of total floor area
All other retail trade not listed	As determined by the Planning Commission or the Board of Zoning Appeals
c. Finance, Insurance and Real Estate	
Banks, Savings and Loans Real Estate Offices, and Insurance	1 space per 250 sq. ft. of total floor area.
All other finance insurance and real estate not listed	As determined by the Planning Commission or the Board of Zoning Appeals
d. Personal Services	
Laundering, dry cleaning, apparel repair and cleaning services	1 space per 350 sq. ft. of total floor area
Beauty, Barber and Photographic Services	1 space per 300 sq. ft. of total floor area and 1 space per employee
Kennels	1 space per 1,000 sq. ft. of total floor area
All other personal services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
e. Business Services	
Advertising, Consumer Credit Reporting and Collections	1 space per 400 sq. ft. of total floor area
Printing and Publishing	1 space per 400 sq. ft. of total floor area
Photocopying, Mailing, Exterminating and Employment	1 space per 400 sq. ft. of total floor area
Freight Forwarding and Trucking Terminals	1 space per 5,000 sq. ft. of total floor area
Self Storage and Warehousing	3 spaces plus 1 space per 50 units
Warehousing and Storage	3 spaces plus 1 space per 1,000 sq. ft. of floor area

Clerical Services, Monument Sales	1 space per 500 sq. ft. of total floor area
Car Wash, Full Service	1 space per 1,000 sq. ft. of floor area
Car Wash, Self Service	2 spaces plus 1 space per wash bay
All other business services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
f. Repair Services	
Automobile Repair, Oil and Fluid Changing Services, Electrical Repair and Radio and Television Repair	1 space per 500 sq. ft. of total floor area with a minimum of 2 spaces
Watch Repair, and Reupholstery	1 space per 300 sq. ft. of total floor area with a minimum of 2 spaces
All other repair services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
g. Professional Services	
Physicians and Dentist Offices and Clinics	1 space per 150 sq. ft. of total floor area.
Veterinarians and Animal Hospitals	1 space per 300 sq. ft. of total floor area.
Hospitals and Sanitariums,	1 space for each employee, two 2 spaces for each bed plus 1 space for each emergency vehicle
Convalescent Homes and Rest Homes	1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces
Day Care and Child Care Centers	1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with adequate stacking area
Attorneys, Accountants, and Engineers	1 space per 300 sq. ft. of total floor area.
All other professional services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

h. Contract Construction Services

All Contract Construction Services

1 space per 1,000 sq. ft. of total floor area.

i. Governmental Services

All Governmental Services

As determined by the Planning Commission or the Board of Zoning Appeals

j. Educational Services

Elementary and Middle Schools

1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus 10 additional spaces. This provision is not applicable where parking space required for an auditorium is provided.

Senior high school

1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each 15 students based on the capacity for which the building was designed. When an auditorium is provided, 1 space per 3 seats is required

All other educational services not listed

As determined by the Planning Commission or the Board of Zoning Appeals

k. Miscellaneous Services

Labor Unions, Clubs, Lodges and Civic, Social or Fraternal Associations

1 space per 100 sq. ft. of total floor area

Funeral Home or Moratorium

1 space per 100 sq. ft. of floor area

All other miscellaneous services not listed

As determined by the Planning Commission or the Board of Zoning Appeals

l. Cultural Activities

Libraries, Museums and Art
Galleries

1 space per 1,000 sq. ft. of floor area

All other cultural activities not
listed

As determined by the Planning
Commission or the Board of Zoning
Appeals

m. Public Assembly

Motion Picture Theaters,
Amphitheatres and Stadiums

1 space per 3 seats or 6 feet of bench
space

All other public assembly uses
not listed

As determined by the Planning
Commission or the Board of Zoning
Appeals

n. Amusements

Fairgrounds and Amusement
Parks

1 sq. ft of parking area for each sq. ft.
of activity area

Golf Driving Ranges and
Miniature Golf

2.5 spaces per hole or tee

Arcades and Pool Halls

1 space per 200 sq. ft. of total floor
area

All other amusement uses not
listed

As determined by the Planning
Commission or the Board of Zoning
Appeals

o. Recreational Activities

Roller Skating Rinks and Athletic
Clubs

1 space per 250 sq. ft. of total floor
area

All other recreation uses not
listed

As determined by the Planning
Commission or the Board of Zoning
Appeals

p. Communications and Utilities

All communications and utilities
services

As determined by the Planning
Commission and Board of Zoning
Appeals

q. Institutional

Churches, Synagogues and other
Places of Worship

1 space per 3 seats in the sanctuary

Nursing 1 space for per 4 beds with a minimum of 4 spaces

All other institutional uses not listed As determined by the Planning Commission and Board of Zoning Appeals

r. Wholesale Trade

Drugs, Chemicals and Allied Products 1 space per 1,000 sq. ft. of total floor area.

Groceries, Electrical Goods, Hardware and other items not listed 1 space per 1,000 sq. ft. of total floor area.

All other institutional uses not listed as determined by the Planning Commission and Board of Zoning Appeals

s. Industrial

All Industrial Uses 1 space per 1,000 sq. ft. of floor area or 1.5 spaces for each 2 persons employed on the largest shift, which ever is greater.

9. Handicapped Parking

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

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

Section J. Off-Street Loading and Unloading Space

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

1. All spaces shall be laid out in the dimension of at least 10' x 50' 500 square feet in area, with a clearance of at least 14 feet in height.

2. Where trailer trucks are involved, such loading and unloading space shall be an area 12 feet by 50 feet with a 14 foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
3. The following ratio of spaces to floor area applies to all districts.

<u>Gross Floor Area</u>	<u>Space Required</u>
0 - 20,000 sq. ft.	1 space
20,000 sq. ft. and over	1 space plus 1 additional space for each 20,000 sq. ft. in excess of 20,000 sq. ft.

Section K. Access Control

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

1. Plan Submission

In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted in accordance with the Site Plan Review requirements in this Article.

2. Number of Access Points

Lots less than 100 feet in width shall have no more than 1 point of access to any 1 public street. Lots greater than 100 feet in width but less than 300 feet shall have no more than 2 points of access to any 1 public street. Lots in excess of 300 feet may have 2 points of access to any 1 public street for each 300 feet of frontage.

3. Distance Of Intersections

All vehicular access points shall be located a minimum of 30 feet from the intersection of any right-of-way lines of streets or railroads and in non-residential zones, a vehicular access point shall be located a minimum of 50' from any other access point on the same side of the street.

4. Width

A point of access, i.e., a driveway or other opening for vehicles onto a public street, shall not exceed 25 feet in width for one-way (1 lane) ingress or egress and shall not exceed 35 feet in width for two-way ingress and/or egress. Points of access up to 50 feet in width for businesses engaged primarily in the servicing of automobile vehicles may be granted on a case by case basis.

5. Effect On Curbs, Drainage Ditches, and Sidewalks

No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the building inspector. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least 6 inches in height and 6 inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

6. Relation To State Highway Regulations

Access control of property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation. Approval by the City of Martin does not constitute approval by the Tennessee Department of Transportation.

7. Variances

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

Section L. Manufactured Residential Dwellings

Manufactured residential dwellings, as defined in Article 8 of this Ordinance and as further defined in Tennessee Code Annotated, Section 13-24-201, where allowed as a permitted use by this Ordinance shall meet the following conditions:

1. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
2. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a two inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal.
7. These provisions shall not apply to manufactured homes in an approved mobile home park.

Section M. Awnings and Canopies in Required Yards

Awnings or canopies for loading and unloading automobile passenger vehicles may be allowed in any required yard for schools, churches, day care centers and other places of assembly allowed in any zone subject to the following requirements:

1. Awnings or canopies may extend into the required front, side, or rear yard only when serving as an automobile passenger loading zone;
2. Awnings or canopies may not cover required parking spaces;
3. Awnings or canopies may not extend over public right-of-way;
4. Awnings or canopies may not obstruct vision at any street intersection or driveway;

5. The design of the awning or canopy shall be limited to a linear distance of single file vehicle loading of no more than 40 feet of cover, and any reasonable distance for covered access to the principal structure; and,

Section N. Off Street Refuse Collection

Off Street Refuse Collection Site shall be required in all residential developments of 4 or more units and in all commercial and industrial developments. A refuse collection site shall be easily accessible from a public road and shall consist of a receptacle placed upon a concrete pad.

Section O. Site Plan Review Requirements

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

1. Site Plan Submission and Review - Site plan review is required under 3 separate instances by the Martin Regional Zoning Ordinance. These instances include:
 - a. The review and approval of a site plan by the Martin Building Inspector for any addition under 5,000 square feet or any single family or 2 family structure. The building inspector reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 - b. The review and approval of a site plan for any Permitted Use by the Martin Municipal / Regional Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the planning region. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 - c. The review and approval of a site plan for any Use Permitted on Appeal by the Martin Regional Board of Zoning Appeals as required by this ordinance. The Board of Zoning Appeals may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the planning region. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

2. Review Procedure - In instances of review of a site plan by either the Martin Municipal / Regional Planning Commission, the Martin Regional Board of Zoning Appeals or the Martin Building Inspector, the following procedures shall apply.

a. Building Inspector Review

In instances of review by the Martin Building Inspector, the site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

b. Planning Commission Review

- (1) The owner or developer shall submit 10 copies of the proposed site plan to the Building Inspector 15 days prior to the regular meeting date of the Planning Commission. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons(s) the site plan was disapproved.

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

c. Board of Zoning Appeals Review

- (1) The owner or developer shall submit 10 copies of the proposed site plan to the Building Inspector 10 days prior to the regular meeting date of the Board of Zoning Appeals. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Chairman of the Board of Zoning Appeals. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

- (2) Prior to the scheduled meeting, copies of the proposed site plan shall be distributed by the Building Inspector to other affected city departments to review those areas under their responsibility. Once staff has reviewed the proposed development and has submitted a written review to the Building

Inspector, a copy of these reviews shall be distributed to members of the Board of Zoning Appeals and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

3. Contents of the Site Plan - In instances where site plan review is required by either the Planning Commission, the Board of Zoning Appeals or the Building Inspector the site plan shall be drawn to a scale of not less than 1"=50' and shall include, at a minimum, the following:
- a. Name and address of development.
 - b. Name and address of the applicant and owner of record.
 - c. Present zoning of the site and abutting properties.
 - d. Date, graphic scale, and north point with reference to source of meridian.
 - e. Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of-way.
 - f. The total land area.
 - g. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating 2 foot contours and by spot elevation where necessary to indicate flat areas.
 - h. Certification as to the accuracy of the plan by a licensed architect or engineer.
 - i. A certificate, with a space for a signature and date, which states that the site plan has been approved by either the Martin Municipal / Regional Planning Commission or the Martin Regional Board of Zoning Appeals, which ever is applicable to the type of use that is requested.
 - j. The location, dimensions, site and height of the following when existing:
 - (1) Sidewalks, streets, alleys, easements and utilities.
 - (2) Buildings and structures.
 - (3) Public waste water systems.
 - (4) Slopes, terraces and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Trees and shrubs.
 - (8) Recreational areas and swimming pools.
 - (9) Natural and artificial water courses.

Inspector, a copy of these reviews shall be distributed to members of the Board of Zoning Appeals and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

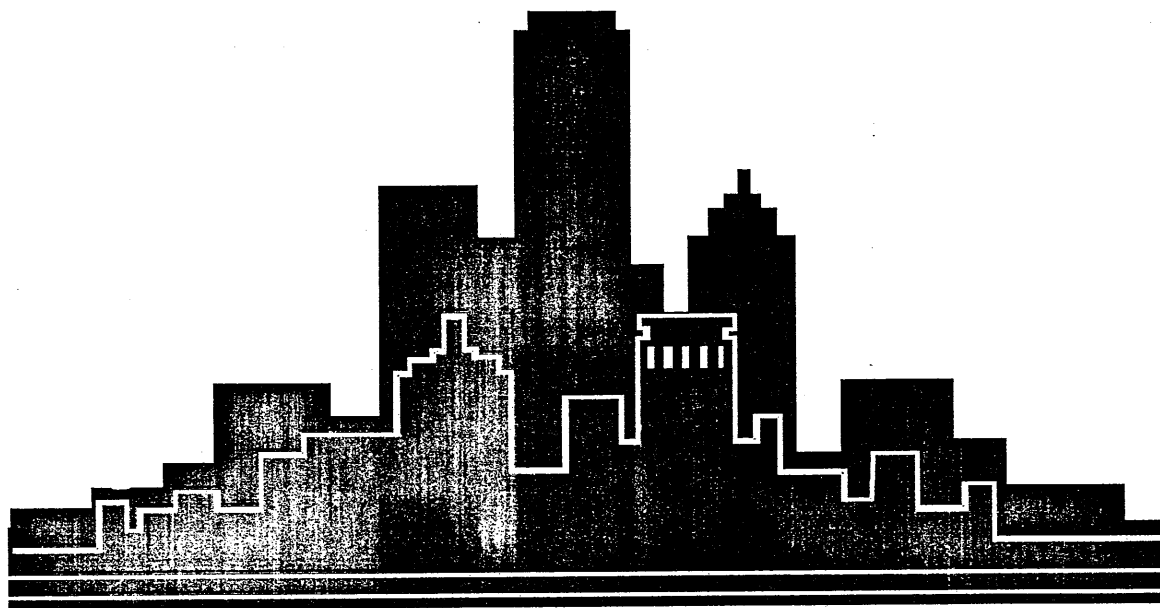
3. Contents of the Site Plan - In instances where site plan review is required by either the Planning Commission, the Board of Zoning Appeals or the Building Inspector the site plan shall be drawn to a scale of not less than 1"=50' and shall include, at a minimum, the following:
- a. Name and address of development.
 - b. Name and address of the applicant and owner of record.
 - c. Present zoning of the site and abutting properties.
 - d. Date, graphic scale, and north point with reference to source of meridian.
 - e. Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of-way.
 - f. The total land area.
 - g. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating 2 foot contours and by spot elevation where necessary to indicate flat areas.
 - h. Certification as to the accuracy of the plan by a licensed architect or engineer.
 - i. A certificate, with a space for a signature and date, which states that the site plan has been approved by either the Martin Municipal / Regional Planning Commission or the Martin Regional Board of Zoning Appeals, which ever is applicable to the type of use that is requested.
 - j. The location, dimensions, site and height of the following when existing:
 - (1) Sidewalks, streets, alleys, easements and utilities.
 - (2) Buildings and structures.
 - (3) Public waste water systems.
 - (4) Slopes, terraces and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Trees and shrubs.
 - (8) Recreational areas and swimming pools.
 - (9) Natural and artificial water courses.

- (10) Limits of flood plains.
- k. The location, dimensions, site and height of the following when proposed:
- (1) Sidewalks, streets, alleys, easements and utilities.
 - (2) Buildings and structures including the front (street) elevation of proposed buildings.
 - (3) Public waste water systems.
 - (4) Slopes and terraces, and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Trees and shrubs.
 - (8) Recreational areas.
 - (9) Distances between buildings.
 - (10) Estimates of the following when applicable:
 - (a) Number of dwelling units.
 - (b) Number of parking spaces.
 - (c) Number of loading spaces.
 - (d) Number of commercial or industrial tenants and employees.
 - (e) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - (f) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown by 2 foot contours.
- l. In instances where the proposed construction is a single-family or 2 family residence, the site plan shall consist of the following:
- (1) All property lines and their surveyed distances and courses.
 - (2) All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
 - (3) Total land area.
 - (4) Present zoning of site and abutting properties.
 - (5) Name, address of owner of record and applicant.
 - (6) Provisions for utilities (water, sewer, etc.)
 - (7) Location and dimensions of the proposed structures.

4. Expiration of Approval and Renewal - A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within 1 year from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

ARTICLE

3



ESTABLISHMENT OF DISTRICTS

Section A. Classification of Districts

For the purpose of this Ordinance, Martin, Tennessee is hereby divided into 6 districts, designated as follows:

FAR	Forestry, Agricultural, Residential
R	Single Family Residential
R-DM	Residential - Duplex and Multifamily
R-MH	Residential - Mobile Home
C	General Commercial
I	Light Industrial
F	Flood

Section B. Boundaries of Districts

1. The boundaries of districts in Section A of this Article are hereby established as shown on the Official Zoning Map entitled "Regional Zoning Map of Martin, Tennessee", which is a part of this Ordinance and which is on file in the City Hall.
2. Unless otherwise indicated on the regional zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to 20) feet within the more restricted district within said lot.

ARTICLE

4



PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section A. FAR, Forestry, Agricultural, Residential District

Within the areas designated **FAR, Forestry, Agricultural, Residential**, as shown on the Zoning Map of the Planning Region of Martin, Tennessee, the following provisions shall apply.

1. Uses Permitted

The following uses are permitted in all FAR, Forestry, Agricultural Residential Districts in the Martin Planning Region;

- a. Detached single family dwellings, excluding mobile homes;
- b. Manufactured residential dwellings as defined in Article 8 and subject to the provisions of Article 2, General Provisions, Section L of this ordinance;
- c. Agriculture and agriculturally related services excluding hog farms, poultry farms, poultry hatchery services and other animal husbandry services;
- d. Forestry activities and related services;
- e. Roadside sales offering for sale only farm products produced on the premises;
- f. Recreational activities: limited to riding stables;
- g. Accessory buildings customarily incidental to the permitted use; and,
- h. Signs as permitted in Article 7, Section B.

2. Uses Permissible on Appeal

The following uses are permitted pending review of the criteria established herein and approval by the Board of Zoning Appeals;

- a. Mobile Homes;
- b. Public and Semi-public uses, including but not limited to municipal, county, state, or federal uses, public utilities facilities and cemeteries philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business;
- c. Churches and other places of worship, parish houses;
- d. Private or parochial schools;
- e. Accessory buildings customarily incidental to the use permitted on appeal;
- f. Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without 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 and preserve the character of the neighborhood in which the proposed use is located; and,

- g. Family day care homes and group day care homes in residences, provided that all the following requirements and conditions are met;
- (1) The use will be located in an area where, in the opinion of the Board of Zoning Appeals, the proposed use will not have a detrimental effect on the neighborhood;
 - (2) An accurately drawn site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the Board of Zoning Appeals;
 - (3) An enclosed fenced play area of 1,400 square feet;
 - (4) All outdoor play activities shall be conducted within the fenced play area;
 - (5) The Board of Zoning Appeals shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
 - (6) Parking shall be provided as required in Article 2, General Provisions;
 - (7) All dimensional requirements of the zone shall be met; and,
 - (8) Any other requirements which the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this section.

4. Side Yards on Corner Lots

Same as the required front yard

5. Location of Accessory Buildings

No accessory building shall be erected in any required front yard or be located nearer to the front lot line than the principal building. Accessory buildings shall not cover more than 30 percent of any required rear yard, and shall be at least 5 feet from all lot lines and from any other building on the same lot.

6. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article 2, General Provisions, Sections I, J, and K of this ordinance.

7. Regulations Controlling Lot Area, Lot Width, Yards, Building Height

The principal building shall be located so as to comply with the following requirements.

- a. Minimum required lot area
- | | | |
|-----|----------------------------|---|
| (1) | Residential dwelling units | 1 acre; |
| (2) | Churches | 1 acre or 200 square feet of lot area per auditorium seat, whichever is greater |
| (3) | Schools | 8 acres plus one 1 acre for each 100 students |
| (4) | All other uses | 1 acre |
- b. Minimum required lot width at the building line
- | | | |
|-----|----------------------------|---|
| (1) | Residential dwelling units | 100 feet |
| (2) | Schools and churches | 200 feet |
| (3) | All other uses | 100 feet or more as required by the Board of Zoning Appeals |
- c. Minimum required front yard
- | | | |
|-----|----------------------------|--|
| (1) | Residential dwelling units | 40 feet |
| (2) | All other uses | 40 feet or more as required by the Board of Zoning Appeals |
- d. Minimum required rear yard
- | | | |
|-----|----------------------------|--|
| (1) | Residential dwelling units | 20 feet |
| (2) | Schools and churches | 40 feet |
| (3) | All other uses | 25 feet or more as required by the Board of Zoning Appeals |
- e. Minimum required side yard on each side of the lot
- | | | |
|-----|----------------------------|--|
| (1) | Residential dwelling units | 20 feet |
| (2) | Schools and churches | 30 feet |
| (3) | All other uses | 25 feet or more as required by the Board of Zoning Appeals |
- f. Maximum permitted height of structures
- No structure shall exceed 4 stories or 45 feet in height, except that this provision shall not apply to belfries, chimneys, church spires and flagpoles provided they

comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus 10 feet from any property line.

8. Maximum Number of Principal Buildings

- a. Residential uses shall be limited to 1 principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings provided that 7.a. through 7.f. of this section are adhered to.

9. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article 2, General Provisions, Section O. of this ordinance for all permitted uses and uses permissible on appeal, except for single family or 2 family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section B. R. Single Family Residential District

Within the areas designated **R, Single Family Residential**, as shown on the Zoning Map of the Planning Region of Martin, Tennessee, the following provisions shall apply:

1. Uses Permitted

The following uses are permitted in all R, Single Family Residential Districts in the Martin Planning Region;

- a. Detached single family dwellings, excluding mobile homes;
- b. Manufactured residential dwellings as defined in Article 8 and subject to the provisions of Article 2, General Provisions, Section L of this ordinance;
- c. Accessory buildings customarily incidental to the permitted use; and,
- d. Signs as permitted in Article 7, Section B.

2. Uses Permissible on Appeal

The following uses are permitted pending review of the criteria established herein and approval by the Board of Zoning Appeals;

- a. Public and Semi-public uses, including but not limited to municipal, county, state, or federal uses, public utilities facilities and cemeteries philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business;
- b. Churches and other places of worship, parish houses;
- c. Private or parochial schools;
- d. Accessory buildings customarily incidental to the use permitted on appeal;
- e. Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without 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 and preserve the character of the neighborhood in which the proposed use is located; and,
- f. Family day care homes and group day care homes in residences, provided that all the following requirements and conditions are met;
 - (1) The use will be located in an area where, in the opinion of the Board of Zoning Appeals, the proposed use will not have a detrimental effect on the neighborhood;
 - (2) An accurately drawn site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play

area, and other design elements and information necessary for proper review by the Board of Zoning Appeals;

- (3) An enclosed fenced play area of 1,400 square feet;
- (4) All outdoor play activities shall be conducted within the fenced play area;
- (5) The Board of Zoning Appeals shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
- (6) Parking shall be provided as required in Article 2, General Provisions;
- (7) All dimensional requirements of the zone shall be met; and,
- (8) Any other requirements which the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this section.

4. Side Yards on Corner Lots

Same as the required front yard

5. Location of Accessory Buildings

No accessory building shall be erected in any required front yard or be located nearer to the front lot line than the principal building. Accessory buildings shall not cover more than 30 percent of any required rear yard, and shall be at least 5 feet from all lot lines and from any other building on the same lot.

6. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article 2, General Provisions, Sections I, J, and K of this ordinance.

7. Regulations Controlling Lot Area, Lot Width, Yards, Building Height

The principal building shall be located so as to comply with the following requirements.

a. Minimum required lot area

- | | | |
|-----|----------------------------|---|
| (1) | Residential Dwelling Units | 1 acre; |
| (2) | Churches | 1 acre or 200 square feet of lot area per auditorium seat |
| (3) | Schools | 8 acres plus one 1 acre for each 100 students |
| (4) | All other uses | 1 acre |

- b. Minimum required lot width at the building line
- | | | |
|-----|----------------------------|---|
| (1) | Residential dwelling units | 100 feet |
| (2) | Schools and churches | 200 feet |
| (3) | Other Uses | 100 feet or more as required by the Board of Zoning Appeals |
- c. Minimum required front yard
- | | | |
|-----|----------------------------|--|
| (1) | Residential dwelling units | 30 feet |
| (2) | All other uses | 40 feet or more as required by the Board of Zoning Appeals |
- d. Minimum required rear yard
- | | | |
|-----|----------------------------|--|
| (1) | Residential dwelling units | 15 feet |
| (2) | Schools and churches | 30 feet |
| (3) | All other uses | 20 feet or more as required by the Board of Zoning Appeals |
- e. Minimum required side yard on each side of the lot
- | | | |
|-----|----------------------------|--|
| (1) | Residential dwelling units | 15 feet |
| (2) | Schools and churches | 30 feet |
| (3) | All other uses | 20 feet or more as required by the Board of Zoning Appeals |
- f. Maximum permitted height of structures
- No structure shall exceed 4 stories or 45 feet in height, except that this provision shall not apply to belfries, chimneys, church spires and flagpoles provided they comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus 10 feet from any property line

8. Maximum Number of Principal Buildings

- a. Residential uses shall be limited to 1 principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings provided that 7.a. through 7.f. of this section are adhered to.

9. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article 2, General Provisions, Section O. of this ordinance for all permitted uses and uses

*Martin Regional
Zoning Ordinance
Residential Districts (R)*

been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section C. R-DM, Residential- Duplex Multifamily District

Within the areas designated **R-DM, Residential-Duplex Multifamily**, as shown on the Zoning Map of the Planning Region of Martin, Tennessee, the following provisions shall apply.

1. Uses Permitted

The following uses are permitted in all R-DM, Residential-Duplex Multifamily District in the Martin Planning Region;

- a. Two family dwellings (duplex);
- b. Multifamily dwellings;
- c. Townhouses;
- d. Manufactured residential dwellings as defined in Article 8 and subject to the provisions of Article 2, General Provisions, Section L of this ordinance;
- e. Accessory buildings customarily incidental to the permitted use; and,
- f. Signs as permitted in Article 7, Section B.

2. Uses Permissible on Appeal

The following uses are permitted pending review of the criteria established herein and approval by the Board of Zoning Appeals;

- a. Public and Semi-public uses, including but not limited to municipal, county, state, or federal uses, public utilities facilities and cemeteries philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business;
- b. Churches and other places of worship, parish houses;
- c. Private or parochial schools;
- d. Accessory buildings customarily incidental to the use permitted on appeal;
- e. Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without 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 and preserve the character of the neighborhood in which the proposed use is located; and,
- f. Family day care homes and group day care homes in residences, provided that all the following requirements and conditions are met;
 - (1) The use will be located in an area where, in the opinion of the Board of Zoning Appeals, the proposed use will not have a detrimental effect on the neighborhood;

- (2) An accurately drawn site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the Board of Zoning Appeals;
- (3) An enclosed fenced play area of 1,400 square feet;
- (4) All outdoor play activities shall be conducted within the fenced play area;
- (5) The Board of Zoning Appeals shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
- (6) Parking shall be provided as required in Article 2, General Provisions;
- (7) All dimensional requirements of the zone shall be met; and,
- (8) Any other requirements which the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this section.

4. Side Yards on Corner Lots

Same as the required front yard

5. Location of Accessory Buildings

No accessory building shall be erected in any required front yard or be located nearer to the front lot line than the principal building. Accessory buildings shall not cover more than 30 percent of any required rear yard, and shall be at least 5 feet from all lot lines and from any other building on the same lot.

6. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article 2, General Provisions, Sections I, J, and K of this ordinance.

7. Regulations Controlling Lot Area, Lot Width, Yards, Building Height

The principal building shall be located so as to comply with the following requirements.

a. Minimum required lot area

- | | | |
|-----|-----------------------------|---------------------------|
| (1) | Two-family dwelling units | 1 acre; |
| (2) | Multi-family dwelling units | .5 acre per dwelling unit |
| (3) | Townhouses | .5 acre per dwelling unit |

- | | | |
|---|--|---|
| (4) | Churches | 1 acre or 200 square feet of lot area per auditorium seat, whichever is greater |
| (5) | Schools | 8 acres plus one 1 acre for each 100 students |
| (6) | All other uses | 1 acre |
|
 | | |
| b. | Minimum required lot width at the building line | |
| (1) | Two-family dwelling units | 100 feet |
| (2) | Multi-family dwelling units | 200 feet |
| (3) | Schools and churches | 200 feet |
| (4) | All other uses | 100 feet or more as required by the Board of Zoning Appeals |
|
 | | |
| c. | Minimum required front yard | |
| (1) | Two-family dwelling units | 30 feet |
| (2) | Multi-family dwelling units | 35 feet |
| (3) | All other uses | 40 feet or more as required by the Board of Zoning Appeals |
|
 | | |
| d. | Minimum required rear yard | |
| (1) | Two-family dwelling units | 20 feet |
| (2) | Multi-family dwelling units | 25 feet |
| (3) | Schools and churches | 30 feet |
| (4) | All other uses | 25 feet or more as required by the Board of Zoning Appeals |
|
 | | |
| e. | Minimum required side yard on each side of the lot | |
| (1) | Two-family dwelling units | 20 feet |
| (2) | Multi-family dwelling units | 25 feet |
| (3) | Schools and churches | 30 feet |
| (4) | All other uses | 25 feet or more as required by the Board of Zoning Appeals |
|
 | | |
| f. | Maximum permitted height of structures | |
| No structure shall exceed 4 stories or 45 feet in height, except that this provision shall not apply to belfries, chimneys, church spires and flagpoles provided they | | |

comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus 10 feet from any property line

8. Maximum Number of Principal Buildings

- a. Residential uses shall be limited to 1 principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings provided that 7.a. through 7.f. of this section are adhered to.

9. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article 2, General Provisions, Section O. of this ordinance for all permitted uses and uses permissible on appeal, except for single family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section D. R-MH, Residential-Mobile Home District

Within the areas designated **R-MH, Residential-Mobile Home**, as shown on the Zoning Map of the Planning Region of Martin, Tennessee, the following provisions shall apply.

1. Uses Permitted

The following uses are permitted in all R-MH, Residential-Mobile Home Districts in the Martin Planning Region;

- a. Single-family mobile homes;
- b. Single-family mobile homes in mobile home parks;
- c. Manufactured residential dwellings;
- d. Recreational vehicles in mobile home parks limited to temporary uses of a period not to exceed 30 days;
- e. Mobile home park offices;
- f. Accessory buildings customarily incidental to the permitted use; and,
- g. Signs as permitted in Article 7, Section B.

2. Uses Permissible on Appeal

The following uses are permitted pending review and approval by the Board of Zoning Appeals of the criteria established herein;

- a. Public and Semi-public uses, including but not limited to municipal, county, state, or federal uses, public utilities facilities and cemeteries philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business;
- b. Churches and other places of worship, parish houses;
- c. Private or parochial schools;
- d. Accessory buildings customarily incidental to the use permitted on appeal;
- e. Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without 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 and preserve the character of the neighborhood in which the proposed use is located; and,
- f. Family day care homes and group day care homes in residences, provided that all the following requirements and conditions are met;

- (1) The use will be located in an area where, in the opinion of the Board of Zoning Appeals, the proposed use will not have a detrimental effect on the neighborhood;
- (2) An accurately drawn site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the Board of Zoning Appeals;
- (3) An enclosed fenced play area of 1,400 square feet;
- (4) All outdoor play activities shall be conducted within the fenced play area;
- (5) The Board of Zoning Appeals shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
- (6) Parking shall be provided as required in Article 2, General Provisions;
- (7) All dimensional requirements of the zone shall be met; and,
- (8) Any other requirements which the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this section.

4. Side Yards on Corner Lots

Same as the required front yard

5. Location of Accessory Buildings

No accessory building shall be erected in any required front yard or be located nearer to the front lot line than the principal building. Accessory buildings shall not cover more than 30 percent of any required rear yard, and shall be at least 5 feet from all lot lines and from any other building on the same lot.

6. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article 2, General Provisions, Sections I, J, and K of this ordinance.

7. Regulations Controlling Lot Area, Lot Width, Yards, Building Height

The principal building shall be located so as to comply with the following requirements.

a. Minimum required lot area

- | | | |
|-----|--|--|
| (1) | Mobile homes not in a mobile home park | 1 acre |
| (2) | Mobile home parks | 2 acres |
| (3) | Mobile homes in a mobile home park | 4,500 square feet |
| (4) | Churches | 1 acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater. |
| (5) | Schools | 8 acres plus 1 acre for each 100 students. |
| (6) | All other uses | 1 acre or more as required by the Board of Zoning Appeals. |

b. Minimum required lot width at the building line.

- | | | |
|-----|--|---|
| (1) | Mobile homes not in a mobile home park | 100 feet |
| (2) | Mobile home parks | 100 feet for the entire development |
| (3) | Mobile homes in a mobile home park | 50 feet |
| (4) | Schools and churches | 200 feet |
| (5) | All other uses | 100 feet or more as required by the Board of Zoning Appeals |

c. Minimum required front yard.

- | | | |
|-----|--|--|
| (1) | Mobile homes not in a mobile home park | 30 feet |
| (2) | Mobile home parks | 25 feet for the park |
| (3) | Mobile homes in a mobile home park | 20 feet |
| (4) | All other uses | 35 feet or more as required by the Board of Zoning Appeals |

d. Minimum required rear yard.

- | | | |
|-----|--|-------------------------------------|
| (1) | Mobile homes not in a mobile home park | 20 feet |
| (2) | Mobile home parks | 20 feet for the overall development |
| (3) | Mobile homes in a mobile home park | 10 feet |
| (4) | Schools and churches | 30 feet |

- | | | |
|--|--|--|
| (5) | All other uses | 25 feet or more as required by the Board of Zoning Appeals |
| e. Minimum required side yard on each side of the lot. | | |
| (1) | Mobile homes not in a mobile home park | 20 feet |
| (2) | Mobile home parks | 25 feet for the overall development |
| (3) | Mobile homes in a mobile home park | 10 feet |
| (4) | Schools and churches | 30 feet |
| (5) | All other uses | 25 feet or more as required by the Board of Zoning Appeals |
| f. Maximum permitted height of structures | | |
| No structure shall exceed 4 stories or 45 feet in height, except that this provision shall not apply to belfries, chimneys, church spires and flagpoles provided they comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus 10 feet from any property line | | |

8. Mobile Home Park Development Requirements

All mobile home parks developed in the Martin Planning Region must meet certain development requirements. A site plan for the proposed mobile home park shall be submitted to the Planning Commission in accordance with Article 2, Section O. and the criteria established this section. The site plan should be drawn as to depict and adhere to the following development requirements.

- a. Mobile Home Parks Screening - There will be screening along the side and rear lot lines. The screening will either be a 5 foot wide green strip with evergreen plants at least 5 foot tall or a fence of a minimum height of 6 feet. The fence will be designed to totally block visibility of the development even when the viewer is moving.
- b. Mobile Home Space - The site plan will show that there is a lot for each mobile home with the minimum amount of area as set forth in Section 6.a. Each space shall front on a street which is part of the mobile home park system.
- c. Mobile Home Pads
 - (1) All mobile homes permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103. Each concrete pad shall be a minimum of 10 feet wide.
 - (2) All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall be underskirted to prevent the accumulation of refuse and rodents.

- d. Location of Accessory Buildings - one accessory building not to exceed 150 square feet may be located with each mobile home but shall be located at least 10 feet from the principal building. In addition, the accessory building shall conform to the following standards.
- (1) No accessory building shall be utilized for human occupation.
 - (2) No accessory building shall extend beyond the required front yard or the front line of the principal building.
 - (3) No accessory building shall extend into the required side yard.
 - (4) Accessory buildings may extend into the rear yard, but shall be located a distance from the rear property line equal to the height of the structure.
 - (5) No accessory building shall exceed 20 feet in height.
- e. Parking Requirements - Off-street parking space shall be provided on the same lot as the mobile home in accordance with the following minimum requirements:
- (1) Dwelling unit in a mobile home park 2 parking spaces per unit
 - (2) Mobile home park office 1 parking space for each 200 square feet of gross floor space in the building.
- f. Street System
- (1) The internal street system shall consist of paved streets with a paved surface a minimum of 24 feet wide measured from the edge of the paved surface to the edge of the paved surface.
 - (2) The construction for the streets within the mobile home park shall conform to the construction standard as set forth in Article IV of the Martin Subdivision Regulations.
- g. Water Line Requirements - Water lines shall be a minimum 6 inch water main looped for adequate water pressure for fire protection with fire hydrants every five hundred feet and shall be approved by the water and sewer department.
- h. Sewage Requirements - All mobile home park developments must access a public sewer system or utilize a private waste disposal system that services the entire mobile home park. A private waste disposal system must gain approval by the Tennessee Department of Environment and Conservation prior to approval by the planning commission.
- i. Paved Parking Requirements - All mobile home and trailer plots shall provide a minimum of 400 sq. feet of paved parking area.
- j. Drainage Plan Requirements - A drainage plan must be approved by the City Engineer.
- k. Recreational Facilities

- (1) For all mobile home parks and including phased developments, recreational space and facilities shall be provided.
- (2) The recreational space shall constitute ten percent of the required minimum lot area and shall be landscaped, lighted, and furnished appropriate to the anticipated clientele, i.e., including playground equipment when children are anticipated. The planning commission shall have the authority to modify this proposed recreational space and facilities so as to reasonably serve the anticipated residents.

1. Regulations for Establishment of Mobile Home Parks

- (1) The applicant desiring to establish a mobile home park will submit a site plan of the proposed development. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.
- (2) Prior to the issuance of a building permit for the construction of mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall be meet the requirements as indicated in Article 2, Section O.
- (3) The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:
 - (a) Relocation of drives and parking areas.
 - (b) Require increased lot areas and/or setbacks.
 - (c) Require screening.
 - (d) Alter building locations.
- (4) In addition, the Planning Commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as maybe required to protect the neighborhood from traffic congestion or other undesirable conditions, which may include but not be limited to; the arrangement of structures, parking or the other facilities; required screening, vegetative buffers, or fencing; the location and content of required recreational facilities; and the provision of landscaping.
- (5) The planning commission shall not have the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any property submitted site plan.

Any site plan not acted upon within 60 days from submittal shall be deemed approved.

(m) Licenses and License Fees

- (1) No mobile home may be located in the Planning Region of Martin, Tennessee unless the same shall be in an approved and duly licensed Mobile Home Park.
- (2) It shall be unlawful for any person to maintain or operate within the planning region of the City of Martin any mobile home park unless such person shall first obtain a license for that park.
- (3) Licenses shall not be transferred.
- (4) The annual license fee for each mobile home park shall be established by the Board of Mayor and Aldermen of the City of Martin.
- (5) The license shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

(n) Application for License - Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- (1) Name and address of applicant.
- (2) Location and legal description of mobile home park.
- (3) A valid state permit issued by the Tennessee Department of Environment and Conservation.
- (4) A complete plan shall be clearly and legibly drawn to a scale of one 100 feet to 1 inch. The plan shall show buildings, and structures, streets, existing road ways, utilities, the location of pads and individual mobile home spaces.
- (5) Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park with comply with legal requirements.
- (6) The application and all accompanying plans and specifications shall be filed in triplicate. The Building Inspector, and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, shall issue the license.

(o) Revocation of License - The Building Inspector shall make periodic inspections of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Health Officer and/or Building Inspector shall serve warning to the licensee. Thereafter, upon failure to the licensee to remove said violation, the Health Officer and Building Inspector shall have the

authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

- (p) Register of Mobile Homes - It shall be the duty of the licensee to keep a register containing a record of all mobile home owners located within the park. The register shall contain the following information:
- (1) The make, model and year of all mobile homes.
 - (2) Owner and lease of each mobile home.
 - (3) The dates of arrival and departure of each mobile home or recreational vehicle. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of 3 years following the date of registration.
- (p) Non-conforming Mobile Home Parks - All additions or improvements to an existing non-conforming mobile home park shall be conforming with these regulations.

9. Maximum Number of Principal Buildings

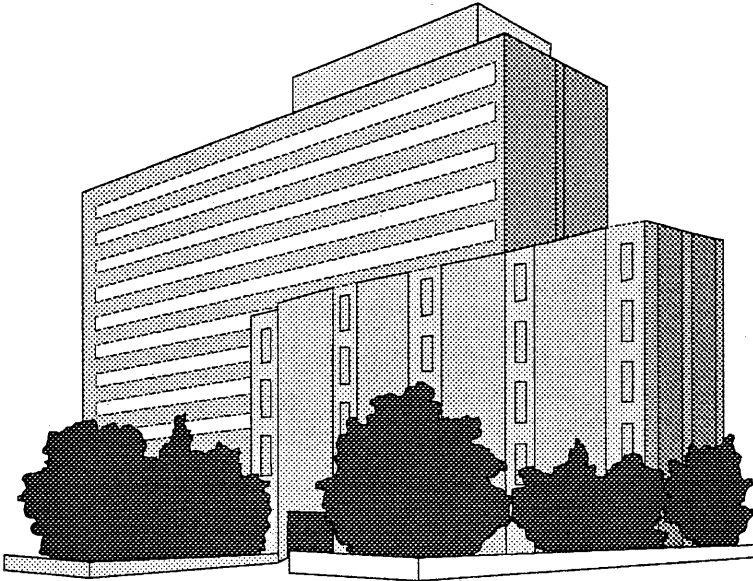
- a. Single family residential uses outside of a mobile home park shall be limited to 1 principal building per lot.
- b. All other uses shall have no limitations on the number of buildings provided that 7.a. through 7.f. of this section are adhered to.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article 2, General Provisions, Section O. of this ordinance for all permitted uses and uses permissible on appeal, except for single family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

ARTICLE

5



PROVISIONS GOVERNING COMMERCIAL DISTRICTS

Section A. C, General Commercial District

Within the areas designated C, **General Commercial** as shown on the Zoning Map of the Planning Region of Martin, Tennessee, the following provisions shall apply:

1. Uses Permitted

a. Retail trade - limited to:

- (1) Building materials, hardware and farm equipment
- (2) General merchandise
- (3) Food
- (4) Automotive and marine craft, excluding used automotive and marine parts
- (5) Apparel and accessories
- (6) Furniture, home furnishings and equipment
- (5) Eating and drinking
- (6) Other retail trade, excluding adult oriented bookstores, adult oriented video rental stores, adult oriented arcades, adult oriented cabarets, and liquor

b. Services - limited to:

- (1) Finance, insurance and real estate services
- (2) Personal services
- (3) Business services, excluding stockyards.
- (4) Repair services
- (5) Professional services
- (6) Governmental services, excluding correctional institutions, military bases and reservations
- (7) Educational services
- (8) Miscellaneous services

c. Public assembly, excluding other public assembly, NEC* (7290)

d. Amusements, excluding other amusements, NEC* (7399)

e. Recreational activities

f. Parks

g. Public / semi-public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings, churches and utilities

* NEC - Not Else Where Coded

Martin Regional
Zoning Ordinance
Commercial Districts (C)

- h. Accessory buildings customarily incidental to the permitted use
 - i. Signs as permitted in Article 7, Section B
2. Uses Permissible on Appeal
None
3. Uses Prohibited
Any use not specifically permitted or permitted on appeal.
4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height The principal building shall be located so as to comply with the following requirements:
- a. Minimum required lot area
All Uses 1 acre
 - b. Minimum required lot width at building line
All uses 150 feet
 - c. Minimum required front yard
All uses 40 feet
 - d. Minimum required rear yard
All uses 20 feet
 - e. Minimum required side yard on each side of the lot
All Uses 20 feet
 - f. Maximum permitted height of structures
No structure shall exceed 4 stories or 45 feet in height, except that this provision shall not apply to belfries, chimneys, church spires and flagpoles provided they comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus 10 feet from any property line.
5. Location of Accessory Buildings
No accessory building shall extend beyond the required front yard, the front line of the principal building, the required side yard or the required rear yard.
6. Off Street Parking, Access Control, Loading and Unloading Requirements
As required in Article 2, General Provisions, Sections I, J, and K of this ordinance.

7. Exterior Storage

Exterior Storage of goods or materials of any kind shall be permitted in the rear yard only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings

None provide that 4.a. through 4.f. of this section are adhered to.

9. Landscaping

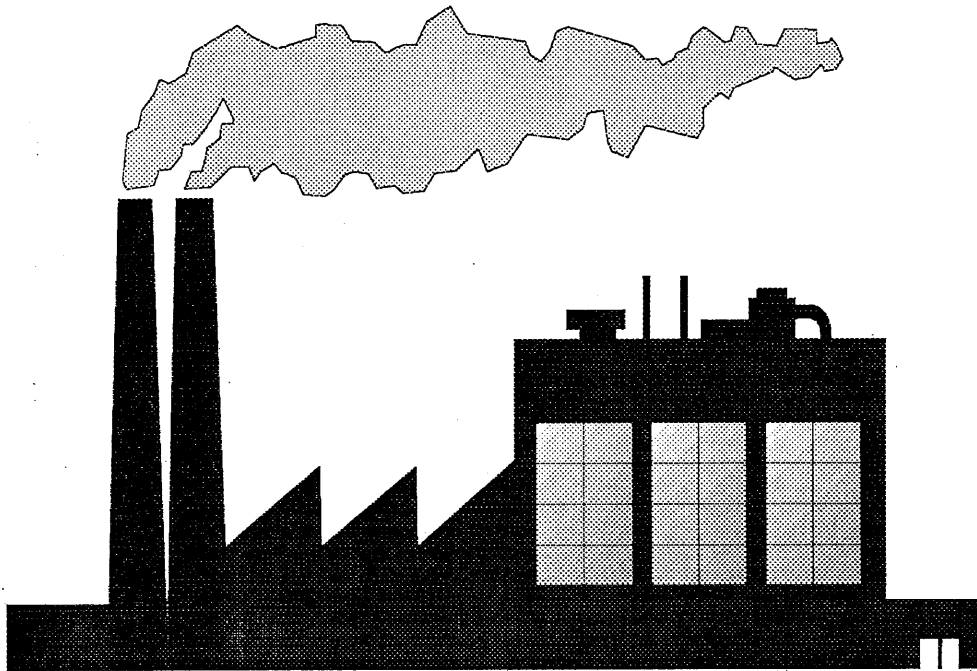
The first 5 feet of any required yard adjacent to a street and the first 7 feet of any required yard adjacent to a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permissible on appeal in accordance with Article 2, General Provisions, Section O. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

ARTICLE

6



PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Section A. I, Light Industrial District

Within the I, Light Industrial Districts as shown on the Regional Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

a. Wholesale trade - limited to:

- (1) Motor vehicles and automotive equipment, excluding used auto parts, salvage yards and junk yards
- (2) Drugs, chemicals and allied products
- (3) Dry goods and apparel
- (4) Groceries and related products
- (5) Farm products (raw materials), excluding livestock, horses and mules
- (6) Electrical goods
- (7) Hardware, plumbing and heating equipment and supplies
- (8) Machinery, equipment, and supplies
- (9) Other wholesale trade, NEC* - limited to:
 - (a) Tobacco and tobacco products
 - (b) Beer, wine and distilled alcoholic beverages
 - (c) Paper and paper products
 - (d) Furniture and home furnishings
 - (e) Lumber and construction materials
 - (f) Other wholesale trade, NEC* excluding scrap and waste materials

b. Retail trade - limited to:

- (1) Eating and drinking

c. Business services - limited to:

- (1) Dwelling and other building services
- (2) Warehousing and storage services

d. Repair services

e. Professional services - limited to:

- (1) Medical laboratory services
- (2) Dental laboratory services
- (3) Other medical and health services

* NEC - Not Else Where Coded

*Martin Regional
Zoning Ordinance
Industrial Districts (I)*

- f. Contract construction services
 - g. Governmental services
 - h. Manufacturing - limited to:
 - (1) Apparel and other finished products made from fabrics, leather and similar materials excluding:
 - (a) Leather tanning and finishing
 - (2) Furniture and fixtures
 - (3) Rubber and miscellaneous plastic products
 - (4) Fabricated metal products

 - (5) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks
 - (6) Miscellaneous manufacturing, NEC*
 - i. Motor Vehicle Transportation
 - j. Communication
 - k. Utilities
 - l. Other transportation, communication and utilities, NEC*
 - m. Federal, state and municipal uses
 - n. Research laboratories
 - o. Accessory uses customarily incidental to any permitted use
 - p. Signs as permitted in Article 7, Section B
2. Uses Permissible on Appeal
- a. None
3. Uses Prohibited
- a. Any use not specifically permitted or permitted on appeal.
4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height The principal building shall be located so as to comply with the following requirements:
- a. Minimum required lot area
- | | |
|----------|--------|
| All Uses | 1 acre |
|----------|--------|

* NEC - Not Else Where Coded

- b. Minimum required lot width at building line
All uses 150 feet
- c. Minimum required front yard
All uses 40 feet
- d. Minimum required rear yard
All uses 25 feet unless the yard adjoins a railroad spur and in that instance no yard shall be required.
- e. Minimum required side yard on each side of the lot
All Uses 25 feet unless the yard adjoins a railroad spur and in that instance no yard shall be required.
- f. Maximum permitted height of structures
 - (1) No structure shall exceed 4 stories or 45 feet in height, except that this provision shall not apply to belfries, chimneys, church spires and flagpoles provided they comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus 10 feet from any property line.
 - (2) Antennas and similar structures can exceed the above height restriction provided the following requirements are met:
 - (a) That all guy anchors meet the setback requirements from all property lines.
 - (b) The tower base shall be setback by a distance of 50% of the tower height or the distance between the tower base and guy anchors whichever is greater.
 - (c) That the structure not be located any closer to a residential district than a distance equal to the structures height plus 10 feet from any residential district property line.

5. Location of Accessory Buildings

No accessory building shall extend beyond the required front yard, the front line of the principal building, the required side yard or the required rear yard.

6. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article 2, General Provisions, Sections I, J, and K of this ordinance.

7. Exterior Storage

Exterior Storage of goods or materials of any kind shall be permitted in the rear yard only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings

None provided that 4.a. through 4.f. of this section are adhered to.

9. Landscaping

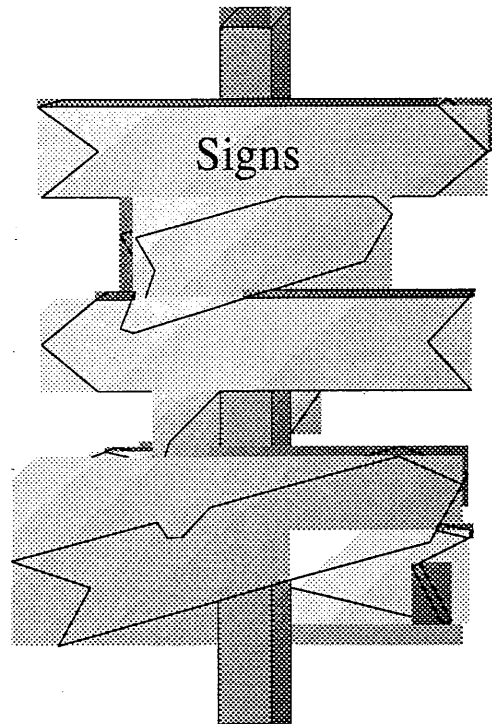
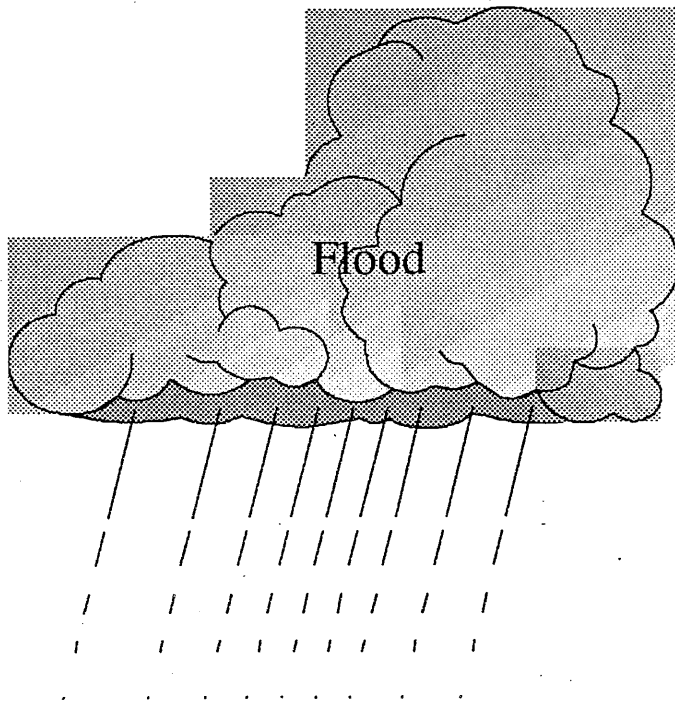
The first 5 feet of any required yard adjacent to a street and the first 7 feet of any required yard adjacent to a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permissible on appeal in accordance with Article 2, General Provisions, Section O. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

ARTICLE

7



**SPECIAL
USE
AREAS**

Section A. F, Flood District

Within the F, Flood District as shown on the Regional Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Statutory Authorization, Findings of Fact, Purpose and objectives

a. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Tennessee Code Annotated 13-7-302 through 13-7-306 further provides for the establishment of zones or districts outside the municipality to regulate the location, height, bulk, number of stories and size of buildings, the percentage of lot occupancy, the required open spaces, density of population and the uses of land, buildings, and structures. Therefore, the Martin, Tennessee Mayor and Board of Aldermen, does ordain as follows:

b. Findings of Fact

- (1) The Martin Mayor and Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
- (2) Areas of Martin 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; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

c. Statement of Purpose

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

- (1) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;
- (2) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

d. Objectives

The objectives of this Ordinance are:

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

2. DEFINITIONS

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

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

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

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

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

"Building", for purposes of this section, 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, excavation or drilling operations, or storage of equipment or materials.

"Elevated building" means a non-basement building, (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Emergency Flood Insurance Program" or "emergency program" means the program as implemented on an emergency basis in accordance with 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.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Existing structures" see "existing construction"

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

"Floodproofing" 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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

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

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

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

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

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determination by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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- (2) Certified or preliminary determination made by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district determined to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

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

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

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sub 60.3.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

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

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

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

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

"100-year flood" see "base flood".

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

"Recreational Vehicle" means a vehicle which is:

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

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

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

3. GENERAL PROVISIONS

a. Application

This Chapter shall apply to all areas within the incorporated area of Martin, Tennessee.

b. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Martin, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470202 0001-0003; Effective Date: September 15, 1989 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Martin, Tennessee Zoning Map.

c. Requirement for Development Permit

A development permit shall be required in conformity with this Chapter prior to the commencement of any development activity.

d. Compliance

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

e. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

f. Interpretation

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

g. Warning and Disclaimer of Liability

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

h. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Martin, Tennessee from taking such other lawful actions to prevent or remedy any violation.

4. ADMINISTRATION

a. Designation of Building Inspector

The Building Inspector is hereby appointed to administer and implement the provisions of this Ordinance.

b. Permit Procedures

Application for a development permit shall be made to the Building Inspector on forms furnished by him prior to any development activity. The development permit may include, but is not be limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

(1) Application stage

- (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
- (b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.
- (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in 4.b.(2), where base flood elevation data is available.
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said

certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

c. Duties and Responsibilities of the Building Inspector

Duties of the Building Inspector shall include, but not be limited to:

- (1) Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (2) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- (3) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- (4) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with 4.b.(2).
- (5) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with 4.b.(2).
- (6) When flood-proofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with 4.b.(2).
- (7) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 6.

- (8) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require a minimum 2 foot elevation or floodproofing, as set forth in 4.b. The lowest floor (including basement) of the building is measured between the lowest floor of the building and the highest adjacent grade.

- (9) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- (10) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

5. PROVISIONS FOR FLOOD HAZARD REDUCTION

a. General Standards

In all flood prone areas the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent

water from entering or accumulating within the components during conditions of flooding;

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Chapter; and,
- (10) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall meet the requirements of "new construction" as contained in this Chapter and provided said non-conformity is not extended.

b. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in 3.b, the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 5.b.(3).
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than 1 foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this sub-section are satisfied. Such certification shall be provided to the Building Inspector as set forth in 4.b.(2).

- (3) Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and,
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of 5.b. of this Chapter.
- (4) Standards for Manufactured Homes and Recreational Vehicles
- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- (i) The lowest floor of the manufactured home is elevated no lower than 1 foot above the level of the base flood elevation on a permanent foundation;

- (ii) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
 - (iii) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of 5. b.(4)(b)(i) and (ii) above.
- (c) All recreational vehicles placed on sites must either:
- (i) Be on the site for fewer than 180 consecutive days;
 - (ii) Be fully licensed and ready for highway use; or
 - (iii) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of 5.b.(4)(a) or (b)(i) and (ii), above.

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of 4.c.(8) shall be utilized for all requirements relative to the base flood elevation or floodways.

c. Standards for Areas of Special Flood Hazard Zones A1-30 and AE With Established Base Flood Elevation But Without Floodways Designated

Located within the areas of special flood hazard established in 3. b., where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 5.b.

d. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in 3.b., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least 2 feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential buildings shall:
 - (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least 2 feet above the highest adjacent grade; or,
 - (b) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures

e. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in 3.b. are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

- (1) All provisions of 4. and 5.a. and h. shall apply.

f. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in 3.b., where streams exist with base flood data and floodways provided, the following provisions apply:

- (1) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is

provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (2) If 5.f. (1) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 5.b.

g. Standards For Unmapped Streams

Located within Martin, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

- (1) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
- (2) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 4.b(2).

h. Standards for Subdivision Proposals

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

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

6. VARIANCE PROCEDURES The provisions of this shall apply exclusively to areas of special flood hazard.

a. Board of Zoning Appeals

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

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

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 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- (4) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

7. LEGAL STATUS PROVISIONS

a. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance, the most restrictive shall in all cases apply.

b. Validity

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

Section B. Sign Regulations

1. Purpose

It is the purpose of this Article to establish reasonable and impartial regulation of signs in the Martin Planning Region under zoning and police powers to accomplish the following goals: to protect and promote public safety, health, convenience and general welfare by decreasing the risk of traffic hazards which distract, confuse, or impair the visibility of motorists and pedestrians and by increasing the effectiveness of signs needed to direct the public; to protect the public investment in streets and highways; to enhance public prosperity and the general welfare by minimizing and adverse effects upon the natural scenic beauty and by providing an attractive visual environment in the planning region, so that it is a more desirable place to live, visit, and conduct business; to protect property values by insuring compatibility with surrounding land usage and by insuring light, air, and open space. The regulations in this article directly advance these significant governmental interests.

2. Prohibited Signs

- a. Signs on public property, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
- b. Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of 2.5 feet and 10 feet where the sign is located within 10 feet of the front property line in order to prevent any obstruction of vision.
- c. Signs which are erected or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- d. Signs which extend over public property which are wholly or partially illuminated by floodlights or spotlights.
- e. Signs which blend with or can be confused with traffic signals.
- f. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- g. Signs which are structurally unsound or which are rendered structurally sound by guy wires.
- h. Signs which display thereon or advertise any obscene, indecent or immoral matter.
- i. Flashing or rotating sign on any property zoned residential.

3. Temporary Signs

No temporary sign shall be allowed except as set forth herein and which is affixed to a building, pole or other structure and located on the same property and allowed under the provisions of this Ordinance. Temporary signs are allowed in all zoned districts as specified below with a sign permit being required for all temporary signs except for vehicle signs and construction signs.

- a. Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed 35 days as determined by the Building Inspector. Street banners shall be removed within 48 hours after the event being advertised has occurred.
- b. Portable Signs - Portable signs shall be authorized for a period not exceeding 30 consecutive days in any 12-month period.
- c. Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only 35 days prior to and 48 hours after the event.
- d. Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses tags or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates.
- e. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to 64 square feet and a height of 10 feet. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- f. Garage Sales - Signs not exceeding 2 square feet in area noting garage sales provided it is an on sight site sign. This sign shall be allowed to be erected no more than 7 days prior to and two days after the event which it advertises.
- g. Political or campaign signs on behalf of candidates for public office or measures of election ballots provided that said sign conforms to the following regulations.
 - (1) Said signs may be erected no earlier than 45 days prior to said election and shall be removed within 2 days following said election.
 - (2) No sign shall be located within or over the public right-of-way.

4. Exemptions

The following signs shall be allowed in all zoning districts of the Martin Planning Region provided that the sign conforms to the regulations of this Ordinance. A sign permit is not required to erect exempt signs described below.

- a. Signs no more than one square foot which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
- b. Official national, state, or municipal flags properly displayed.
- c. Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
- d. Signs wholly within buildings or windows.
- e. Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the building inspector.
- f. Historical markers as required by local, state, or federal authorities.
- g. Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
- h. No trespassing or no dumping signs.
- i. Real estate signs or signs indicating rental property available not exceeding 5 square feet in area which only advertise the sale, rental or lease of the premises upon which said signs are located.
- j. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or non-combustible material.
- k. Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected.
- l. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
- m. Private property directional signs such as "no parking", "exit", "parking", etc. not to exceed 5 square feet.

5. District Sign Provisions

The following provisions shall regulate the type, size, and placement of signs by zoning district in the Planning Region of Martin. A sign permit is required for signs erected in all zoning districts unless otherwise specified in this Article.

a. Signs Permitted in the Residential Districts

- (1) No more than 2 signs identifying each subdivision, multi-family apartment, or townhouse development per vehicle entrance not to exceed a height or 10 feet or 32 square feet of sign or sign matted area.

- (2) No more than 2 signs identifying each mobile home park per vehicle entrance not to exceed a height of 10 feet or 32 square feet of sign or sign matted area.
- (3) Temporary signs except portable signs shall be allowed.

b. Signs permitted in the Industrial District

- (1) On-premise Signs having an allowable area of one square foot for each foot of road frontage not to exceed 350 square feet and not to exceed a height of 35 feet. Where any property has more than one occupant, permitted sign area shall be divided in proportion to the ratio of frontage of each.
- (2) Accessory On-site Signs not to exceed an area of 25 square feet or a height of 10 feet.
- (3) Billboards having an allowable area of one square foot for each foot of road frontage not to exceed 300 square feet and not to exceed 35 feet in height. In no case shall billboards be located closer than 1,000 feet from any other billboard sign on the same side of the street and shall be located a minimum of 10 feet from any property line.
- (4) Temporary Signs.

c. Signs Permitted in the Commercial District

- (1) One free-standing sign will be permitted for each developed parcel not to exceed 1 square foot of sign for each linear foot of frontage not to exceed 300 square feet or a height of 35 feet. Free standing on premise signs may be erected to a height not to exceed a height of 50 feet provided that the proposal obtains approval of the building inspector and further provided the following are adhered to:
 - (a) the lot on which the sign is to be erected is within 2,000 feet of a expressway interchange;
 - (b) if the street grade of the by-pass of an elevation above the proposed lot so that a 35 foot tall sign is rendered useless, a taller sign could be allowed up to 50 feet;
 - (c) visual impact to surrounding property and to residential property in particular is minimized; and,
 - (d) an appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved by the decision of the building inspector or Planning Commission.
- (2) One wall or fascia sign will be permitted for each principal building not to exceed 1 square foot of sign for each linear foot of road frontage not to exceed 300 square feet or a height of 35 feet. Wall and fascia signs shall be placed flat against the wall of the building or designed as part of the architectural feature thereof.

- (3) If the building includes a canopy, each tenant will be permitted 1 under canopy sign with a surface area not to exceed 6 square feet, subject to a minimum clearance of 8 feet from the sidewalk.
- (4) Billboards shall not be allowed in any business district.
- (5) Where, in the case of shopping centers, malls, or other arrangement in which the property for parking or frontage is under common or shared ownership, the center, mall or grouping of business and offices may erect one permanent sign per street frontage containing the center or mall name and business therein. The size of center or mall sign shall be one square foot for each foot of road frontage not to exceed 350 square feet. The sign shall not exceed a height of 35 feet.
- (6) Accessory on-site signs not to exceed 10 square feet in area or a height of 10 feet.
- (7) Temporary signs.

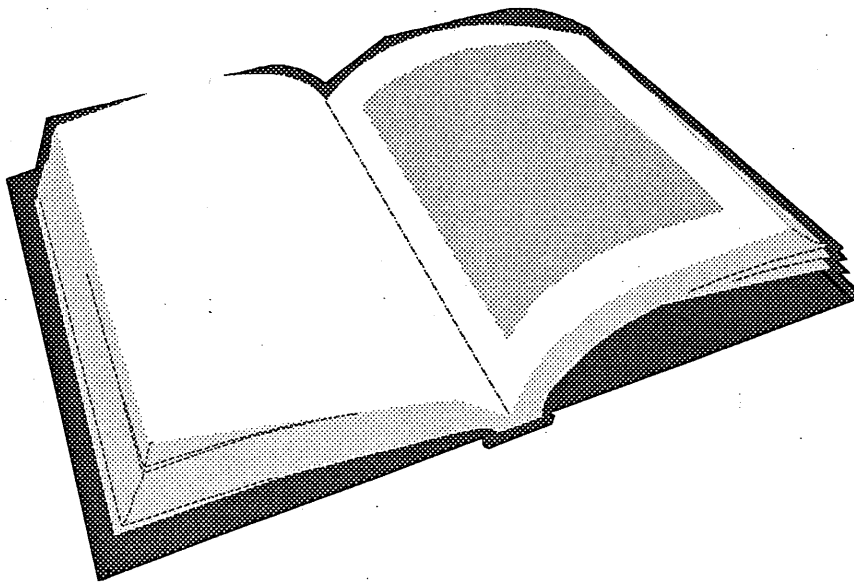
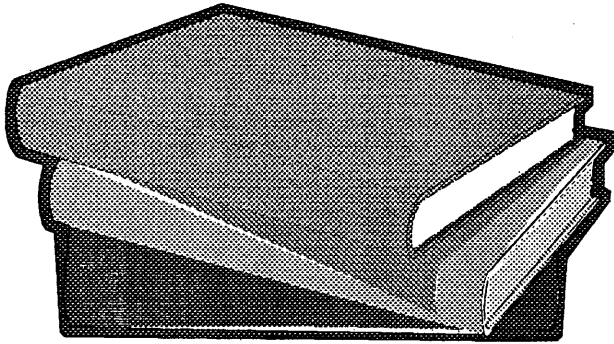
6. Non-conforming Signs

It is the intent of this Chapter to provide for the orderly elimination of all non-conforming signs. Any lawfully erected sign may continue to be maintained exactly as it existed prior to the enactment of these provisions except as provided below.

- a. Shall not be replaced with another non-conforming sign.
- b. Shall not have any changes in the words, logo or symbols which are part of a message unless the sign is an off-site sign or bulletin board.
- c. Shall not be structurally altered so as to prolong the life of the sign, increased in size, or shape, or type, or design.
- d. Shall not be re-established after damage or destruction if the estimated expense of construction exceeds 50% of the value of the original structure.
- e. Shall be not re-established after the activity or name of the business or ownership shall have changed requiring a change in the sign name or advertisement itself.

ARTICLE

8



DEFINITIONS

Section A. Purpose

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

Section B. Definitions

Abandoned / Obsolete Sign: A sign which directs attention to a business or product which is no longer in existence or available at the site to which the sign directs attention or which advertises a product no longer available.

Accessory Building and Use: A detached building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use, including swimming pools and satellite dishes.

Accessory Structure: A subordinate structure detached from to the principal structure which shall not be used for human habitation and when located in a flood hazard districts shall be shall be designed to have low flood damage potential; shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; shall be firmly anchored to prevent flotation which may result in damage to other structures; and service facilities such as electrical and heating equipment shall be elevated or floodproofed.

Act: The statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, anywhere the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Book Store or Video Store: A commercial establishment which as its principal business purpose offers for sale or rental books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual presentations, which depict or describe "specified sexual activities" or "specified anatomical areas"

or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" or "specified anatomical areas";

Adult Cabaret or Theater: A nightclub, bar, restaurant or similar commercial establishment which regularly features persons who appear in a state of nudity, live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." This definition shall not include "R-rated" films so defined by the Motion Picture Association.

Adult Motel: A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and may have a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions. This definition shall not include "R-rated" films so defined by the Motion Picture Association; or offers a sleeping room for rent more than two times in a period of ten hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours; or offers or allows a discount or refund which is less than half the normal daily rate.

Adult Telecommunications Business: A commercial establishment where, by means of telephone, any communication characterized by the description of "specified anatomical areas" or "specified sexual activities" is made for commercial purposes to any person, regardless of whether the maker of such communication placed the call.

Agricultural Services: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services.

Agriculture: Land devoted to the production of crops and/or livestock for sale.

Alley: A thoroughfare which affords only a secondary means of access to abutting properties.

Amusement: An establishment which provides arcade type entertainment's including such items as pinball machines, video games, pool tables, miniature golf and other amusements.

Animated sign: A sign which uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs).

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

Appeal: A request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance or special exception.

Area of Shallow Flooding: A designated A0 or V0 Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from 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.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

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

Attached Business Sign: Any sign which is affixed directly to a wall or parapet wall of any building or structure with the exposed face on a plane approximately parallel to the plane of such wall.

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

Awning: See Canopy

Awning Sign: See Canopy Sign

Banner Sign: A sign made of fabric or other nonrigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Base Flood: The flood level that has a 1% percent chance of being inundated in any given year. (See one-hundred year flood)

Basement: A portion of a building having its floor subgrade (below ground level) on all sides.

Berm: A earthen mound designed to provide visual interest, screen undesirable views and or decrease noise

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

Breakaway Wall: 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 the supporting foundation system.

Buffer, Perimeter Landscape: A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another. A combination of physical space and vertical elements, such as plants, berms, fences, or walls the purpose of which is to separate and screen incompatible land uses.

Building: A structure built for support, shelter, or enclosure for any occupancy or storage.

Building Inspector: The City official or authorized representative charged with the responsibilities of enforcing the ordinance.

Definitions

Development: A manmade 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 materials.

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

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

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

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

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

Bulletin Board Sign: A ground sign with changeable text normally allowed for churches and schools.

Business Identification Sign: A freestanding sign identifying a recognized firm, business, or service.

Business Service: Establishments which provide aid or merchandise to retail trade establishments including, but not limited to: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service.

Caliper inches: A method of measuring the diameter of a tree with trees that are up to and including 4 inches in diameter being measured 6 inches above the ground and trees over 4 inches in diameter being measured 1 foot of above the ground.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building.

Canopy or Shade Tree: Any deciduous tree maturing at a height of at least thirty (30) feet or greater that would occupy the upper canopy of a forest.

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

Certified Historic Structure: A building certified in writing by local state or federal historic preservation organization, chartered by the State of Tennessee, as having historic value and significance and also designated as such by the Martin Planning Commission.

Child Care: Refers to the various arrangements made by parents for the care outside their home of children under 17 years of age, for less than 24 hour periods as provided in the Tennessee Code

Annotated, as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

Child Care Facility: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types:

- a. Family Day Care Home: A home operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for 5, 6, and 7 children under 17 years of age who are not residents of the household. A license is not required for a home providing care for fewer than 5 children.
- b. Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 year of age less than 24 hours per day for care outside their own homes, without transfer of custody. A group day care home may care for no more than 12 children.

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

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

Commercial: Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services.

Communication: Radio, telegraph and television broadcast receiving and relay facilities.

Community Facility: A building or structure owned and operated by a governmental agency which provides a governmental service to the public.

Condominium: An ownership arrangement in which the buyer purchase only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses. Also, a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Conifer Tree: Any tree with needle leaves and a woody cone fruit.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and.

Deciduous Tree: Any tree which sheds its leaves in the fall or winter.

Density: Maximum number of units per acre allowed by this Zoning Ordinance.

Directional/Informational Sign: Any on-premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

Definitions

District: Any section or sections of the City of Martin for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

Drip Line: A vertical line extending from the outermost portion of a tree to the ground.

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

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

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by a common vertical fire wall with each dwelling being located on a separate lot. This shall include zero lot line development.

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

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

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

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

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

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

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

Dwelling-Mobile Home: See Mobile Home

Education Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools.

Elevated Building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), sheer walls, or breakaway walls.

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

Erosion: The process of the gradual wearing away of land masses.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

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

Existing Construction: Any structure for which the "start of construction" commenced before the effective date of this ordinance.

Existing Manufactured Home or Mobile Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this floodplain management ordinance.

Existing Structures: See Existing Construction

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

Exterior Boundary: See Exterior Yard.

Exterior Yard: A yard adjacent to the side or exterior boundaries of a mobile home park, a multi-family development or planned commercial development which are clear of any structures.

Factory Built Housing: A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consist of 3 types: modular homes, mobile homes and manufactured homes.

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

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers.

Flashing Sign: Any directly or indirectly illuminated sign which contains an intermittent flashing light source. (This does not include message center or time/temperature signs.)

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

Flood-related Erosion Area or Flood-related Erosion Prone Area: 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: The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

Floor: 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: 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.

Freestanding Sign: Any sign supported by uprights or braces placed on or in the ground and not attached to any building.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Game Room: An establishment which provides arcade type entertainment's including such items as pinball machines, video games and pool tables.

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

Governmental Agency: An agency of the Federal State, or the Local Government or any combination thereof.

Governmental Services: Fire, Police, Judicial and other services provided by the government.

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

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

Ground Sign: A sign mounted at ground level, the height of which is no more than 6 feet from the surrounding ground level and the face of which begins no more than 36 inches above the surrounding grade.

Grouping Signs: Signs identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

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

Health Officer: The term "Health Officer" shall mean health the officer for the county.

Height: See Building, height of.

Height, Sign: See Sign Height.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Area: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail, or because of their being a part or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

Historic Structure: Any structure that is;

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior; or

(2) directly by the Secretary of the Interior in states without approved programs.

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

Illegal Sign: Any sign and/or advertising structure erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.

Incidental Home Occupation: A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use.

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

Interstate Sign: A sign mounted as a pole sign erected within 660 feet of the nearest edge of the right-of-way of Interstate 40. The distance of 660 feet is based on The Rules and Regulations of the Control of Outdoor Advertising, Section 1680-2-3.03, published by the Tennessee Department of Transportation.

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

Kindergartens: See Nursery School

Land Development or Land Use Plan: A general plan for the physical development of a particular area, which can be either a municipality, region or both. The plan will formulate a coordinated, long term development pattern for the identified area the creation of a future land development or land use map, a major road plan and the identification of goals, objectives and policies.

Landscape Surface Area: The area of the site not devoted to paving or buildings. Fountains and retention facilities shall be counted as part of the landscape area.

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

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

Line Clearance: Removal of limbs and branches within a set distance of utility lines.

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

Lot: A legally recorded parcel of land.

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

Lot, Corner: A lot abutting upon 2 or more streets at their intersection.

Definitions

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

Lot of Record: A parcel legally recorded in the Office of the Benton County Register of Deeds prior to the date of the adoption of this Ordinance.

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

Lot Width: The horizontal measurement at the building line.

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

Manufacturing: Establishments engaged in the mechanical or chemical transformations of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Comment: The term manufacturing covers all mechanical or chemical transformations, whether the new product is finished or semi-finished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming.

Manufactured Home: A residential dwelling, transportable in two or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home having the same general appearance as a site built home shall be allowed on individual lots in any residential district provided the following conditions are met:

- a. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
- b. The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as, conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
- c. The hitches or towing apparatus, axles and wheels must be removed.
- d. The roof must be pitched so there is at least a two-inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to approved wood, asphalt composition shingles or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.

- e. The unit must be oriented on the lot so that its long axis is parallel with the street.
- f. All such units shall be required to connect to a public utility system which includes, gas, electric water and sewer in compliance with the Southern Standard Building Code and National Electrical Code.

Manufactured Home, Flood Hazard District: For the purpose of interpreting the term "Manufactured Home" as used with the Flood Hazard District Section Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purpose the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home or Mobile Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home or mobile home lots for rent or sale.

Maintenance (Sign): For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Map: The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services.

Message Board: A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

Mixed Use Development: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

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

Mobile Home: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

Definitions

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

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

Model Home: A residential structure that may or may not be furnished that may display a plan of the subdivision in which the structure is located, plans of different homes or structures available for construction within the subdivision and alternative materials of which the structures may be constructed. The home may not display any materials used in the decorating or finishing of the interior of a structure and may not be staffed by more than 2 agents.

Model Home Sign: A ground identifying a model residential structure or example home within a recognized subdivision or residential development.

Modular Home: A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, is a finished building and not designed for ready removal to another site.

Motor Vehicle Transportation: Transportation services including bus, taxi and motor freight transportation.

National Geodetic Vertical Datum (NGVD): A vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: Structures for which the start of construction commenced on or after June 1, 1981.

New Manufactured Home or Mobile Home Park or Subdivision: A manufactured home or mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

Non-conforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Non-conforming Structure or Building: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

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

Noxious Matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing

detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity: A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under 17 years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 14-10-101 through 14-10-105 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

Nursery School: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

- a. Family Day Care Home: A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age, who are not residents of the household. A license is not required for a house providing care for fewer than 5 children.
- b. Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.
- c. Day Care Center: A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

Off Premise Sign: A sign not located on the property that it advertises.

Office Center: Two or more offices having a common parking lot.

One-hundred Year Flood: A flood which has, on the average a 1-percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood".

Owner: The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy on a sign.

Pads: The surface on which a trailer is located consisting of concrete footings and a support of the trailer.

Painted Business Sign: Any sign which is painted or inscribed directly to a wall or parapet wall of any building or structure.

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

Definitions

Parking Space-Required: A paved and properly drained area enclosed or unclosed required by this Ordinance to be permanently reserved for parking 1 motor vehicle. Each required parking spaces shall have a minimum area of 200 square feet and not less than 9 feet wide, exclusive of driveways and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

Perimeter Landscaped: A landscaped area intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Periphery Boundary: (See Exterior Yard)

Permitted Use: Any use specifically identified as being allowed in a zoning district and subject to the restrictions applicable to that zoning district.

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

Personal Services: Establishments which provide services which include laundry, beauty, funeral, and other services to individuals.

Planned Commercial Development: An area of a minimum contiguous size to be planned, developed, operated and maintained as a single entity containing one or more structures to accommodate commercial or office uses, or both and appurtenant common areas and other uses incidental to the predominant uses.

Planned Development: An area of a minimum contiguous size developed according to an approved plan containing one or more structures with joint use parking areas, common open areas and limited access points on to major thoroughfares.

Planned Unit Development (PUD): An area of a minimum contiguous size to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

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

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

Plot: A parcel of land set aside for an individual mobile home in a mobile home park. This is often synonymous with lot.

Pole Sign: A free-standing sign supported from the ground by a pole or similar support structure of narrow width which by reason of height does not qualify as a ground sign.

Political Sign: A sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forthcoming public election or referendum.

Portable Accessory Storage Structure: A movable accessory structure which is not permanently attached to a permanent foundation, does not necessitate any grading or excavation, is not intended for habitation and which is subordinate to a nonresidential use and which is used exclusively for storage purposes.

Portable Sign: A sign which is not attached by way of a rigid, non-flexible connection to a building or the ground. Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

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

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

Professional Services: Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services architectural services and accounting services, not to include sanitariums, convalescent and rest home services.

Projecting Sign: Any sign, other than a flat wall sign, which is attached to and projects more than 12" from a building wall or other structure not specifically designed to support the sign.

Public Sign: Any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

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

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

Real Estate Sign: Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease sale or sold.

Recreational Activities: Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities.

Recreational Vehicle: A vehicle which is built on a single chassis, has 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

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

Definitions

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops.

Residential Identification Sign: A ground, freestanding or wall sign identifying a recognized subdivision, condominium complex, apartment complex or residential development.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-way (ROW): A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and similar uses.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roof Sign: any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

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

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

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

Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants berms fences, walls or any appropriate combination thereof.

Semi-Nudity: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Services: Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations: including hotels and other lodging places; establishments providing personal, business, repair and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services.

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

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

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or, Adult Telecommunications Business.

Shopping Center: Two or more businesses sharing a common parking lot which shall include indoor and outdoor malls.

Sign: Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any sign requiring a permit is considered to be a structure.

Sign Area: The area enclosed by one continuous line, connecting the extreme points or edges which shall include all lettering, wording, and accompanying design or symbols together with any background but shall exclude any necessary supports or uprights. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Height: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign Permit: A written permit granted by the Building Inspector for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

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

Special Exception: A use allowed on appeal to the Board of Zoning Appeals.

Special Hazard Area: An area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic regions, buttock and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: The human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse or sodomy; or the fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or any acts of bestiality.

Start of Construction: The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. For other

Definitions

than new construction or substantial improvements under the Coastal Barrier Resources Act, [P.O. 97-3411], including substantial improvement means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date.

State Coordinating Agency: (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program.

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

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

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

- a. Arterial: A major highway used primarily for heavy through traffic which will be so designated on the Martin Major Road Plan.
- b. Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development.
- c. Cul-de-sac or Dead-end Street: A local street with only one outlet for which there are no plans for extension and no need for extension.
- d. Marginal Access Street: A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- e. Minor Residential or Local Streets: A neighborhood or commercial area street used primarily for access to the abutting properties.

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

Street Line: The property line which bonds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Subdivision: The division of a tract or parcel of land into two or more lots, sites, or other divisions requiring new street or utility construction, or any division of land less than 5 acres, for

the purpose, whether immediate or future, of sale or building development, and includes Re-subdivision and when appropriate to the context, relates to the process of re-subdividing.

Subdivision Development Sign: A ground sign identifying the construction or development of a recognized residential subdivision or condominium complex.

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

Substantially Improved Existing Manufactured Home or Mobile Home Parks, or Subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Substantial Improvement, Flood Hazard District: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during 1 year, in which the cumulative cost equals or exceeds 50 percent of the market value of the building. The market value of the building should be; (1) the appraised value of the building prior to the start of the initial repair or improvement; or, (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is towed on its own chassis composed of a frame and wheels. The structure is to be used without a permanent foundation

Temporary Sign: Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only (31 days or less). Temporary signs shall include but not be limited to street banners, posters, construction signs, real estate signs model signs, special event signs and the permanent attachment of portable signs to a site shall not change the signs to permanent signs.

Telecommunications Structure: A building, tower or other structure and equipment used for the transmission, retransmission, broadcast or promulgation's of telephone, telegraph, radio, television or other communications signals.

Time and Temperature Sign: Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

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

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

Transient Lodging: Temporary lodging.

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

1. For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.
2. Where detailed floor plans are not available, the following shall apply:
 - (a) Commercial Building - usable floor area shall equal 75% of the gross floor area.
 - (b) Office buildings other than medical office - usable floor area shall equal 80% of the gross floor area.

Medical Office Buildings - usable floor area shall equal 85% of the gross floor area.

Use: The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies.

Utility Services: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

Variance: A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property. The salient points of a variance are; (1) undue hardship caused by exceptional physical irregularities of the property; (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

Vehicle Mounted Sign: Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

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

Violation: The failure of a structure or other development to be fully compliant with the community's zoning ordinance and or building code. Also a structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

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

Wholesale Distribution of Paper Scrap and Paper Waste Materials: Establishments primarily engaged in assembly, breaking up, sorting, and wholesale distribution of paper scrap and paper waste materials.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies.

Window Sign: Any on-premise business sign installed in or on a window and intended to be viewed from the outside.

Yards: Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

- (a) Front Yard: The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.
- (b) Side Yard: The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.
- (c) Rear Yard: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued.

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

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

ARTICLE

9



**EXCEPTIONS
&
MODIFICATIONS**

Section A. Lot of Record

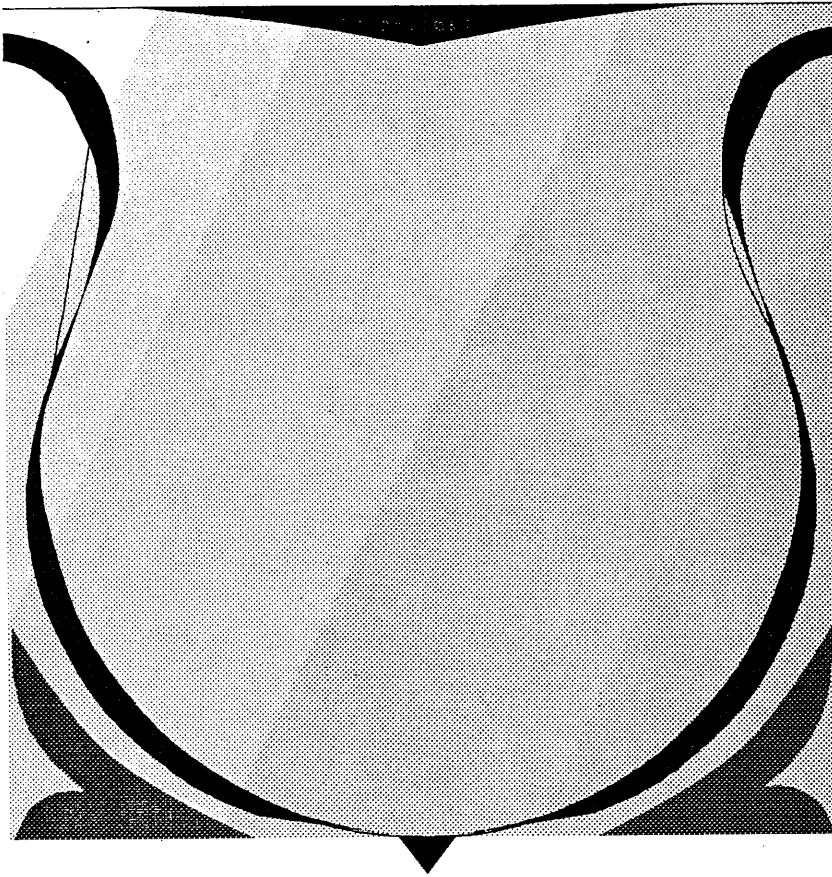
Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article 11, Section D.3.a. 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 is possible in the opinion of the Board of Zoning Appeals.

Section B. Front Yards

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within the 100 feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

ARTICLE

10



ENFORCEMENT

Section A. Enforcing Officer

The provisions of this ordinance shall be administered and enforced by a Building Inspector, appointed by the Board of Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Section B. Building Permits and Certificates of Occupancy

1. Building Permit Required

It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.

2. Issuance of Building Permit

In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance and other ordinances of the City of Martin, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

- a. The issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
- b. A building permit shall become void 6 months from the date of issuance unless substantial progress has been made by that date on the project described therein.
- c. Any building permit issued by Building Inspector or Board of Zoning Appeals may be voided by a vote to rescind the permit by two-thirds vote of the entire membership of Martin Municipal / Regional Planning commission and the Board of Mayor and Aldermen of the City of Martin with each member entitled to one vote only through a member of each body.

3. Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Inspector shall have issued a Certification of Occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within 3 days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certification or occupancy if the land, building or part thereof and the proposed use thereof are found to

conform with the provisions of this ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.

4. Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.

Section C. Penalties

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$2.00 nor more than \$50.00 for each offense. Each day such violation continues shall constitute a separate offense.

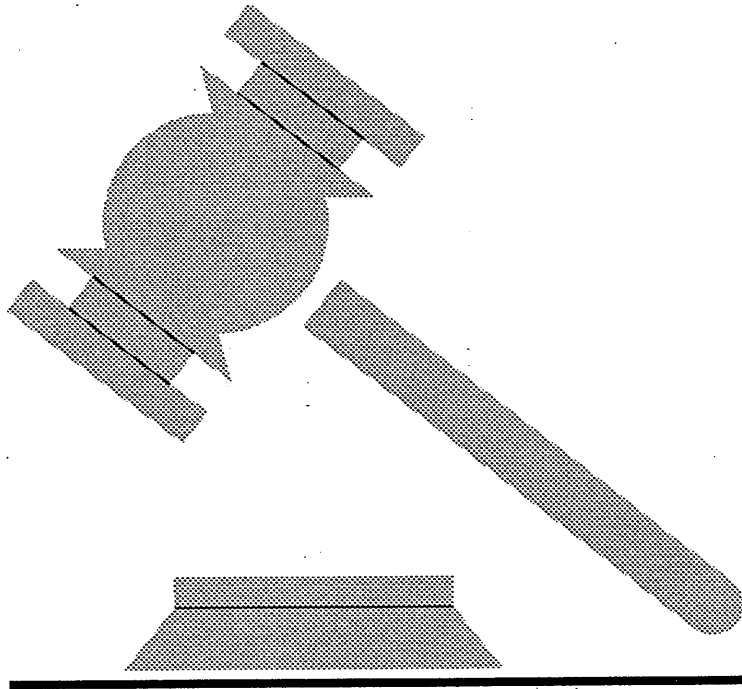
Section D. Remedies

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

1. After a complaint has been reported to the Building Inspector, or by the Building Inspector, he has 15 days to respond to the incident with a copy forwarded to the Board of Zoning Appeals.
2. The violator will be given 30 days to conform with the Regional Zoning Ordinance or within this 30 day period an appeal may be made to the Board of Zoning Appeals specifying the grounds thereof.
3. If appeal is denied, the violator will have 15 days in which to institute corrective measures in answer to the violation.
4. If the violation has not been corrected after the 15 day period or the Board of Zoning Appeals has denied the appeal, it will be requested that other appropriate action be handled by the City of Martin legal appointee. A copy of all correspondence shall be forwarded to the Board of Zoning Appeals.

ARTICLE

11



BOARD OF ZONING APPEALS

Section A. Creation and Appointment

A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Martin Board of Zoning Appeals shall consist of 5 members, of which, 1 member will be from the Martin Municipal / Regional Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen. The terms of membership shall be three years except that the initial individual appointments to the Board shall be terms of one, two three, four, and five years respectively. Vacancies shall be filled for any unexpired term by the Mayor in confirmation by the Board of Mayor and Aldermen.

Section B. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

Section C. Appeals: How Taken

An appeal to the Board of Zoning Appeals may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than 15 days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney. After the Board of Zoning Appeals has conducted a hearing on appeal, additional appeals regarding the same parcel of property must not be introduced for another 12 month period. Upon submission and rejection of a second appeal, no additional appeals for the same request shall be introduced for a period of at least 48 months. If in the opinion of the planning commission documented unusual circumstances warrant the removal of these restrictions, the Board of Zoning Appeals may reconsider the same appeal.

Section D. Power

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance, or for interpretation of the regional zoning map or ordinance.

2. Uses Permissible on Appeal

- a. To hear and decide applications for uses permissible on appeal as specified in this Ordinance.
- b. Prior to the establishment of any use permitted on appeal of the Board of Zoning Appeals, the applicant shall submit a site plan in accordance with Section 3.13 of this Ordinance showing the development concept for the tract to the Board of Zoning Appeals.
- c. The Board of Zoning Appeals shall review and approve and/or disapprove the requested use within 30 days of submission to the Board unless the applicant allows additional time for action. The granting of a use on appeal in no way is approving a submitted site plan. All site plans for any development must be approved by the Munford Planning Commission.

3. Variances

To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of this Ordinance would result in exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship, within the purpose of zoning. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of this Ordinance. Before a variance is granted, it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- a. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out.
- b. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.
- c. The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.
- d. Financial returns alone shall not be considered basis for granting a variance.
- e. The alleged difficulty or hardships has not been created by any person having an interest in the property after the effective date of this Ordinance.

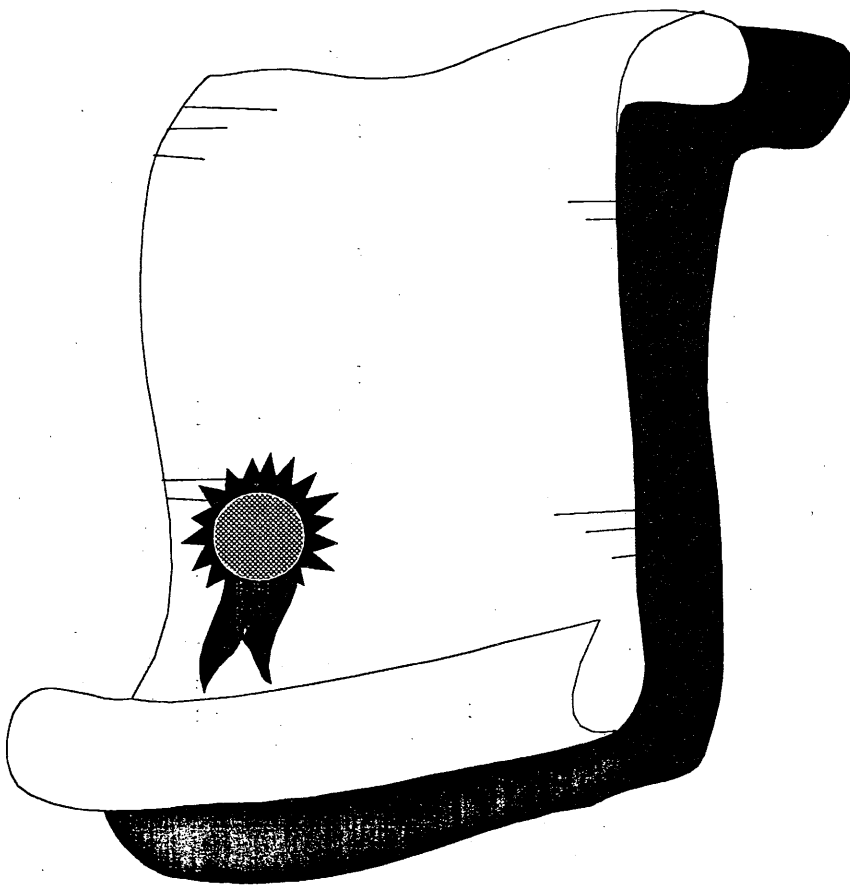
- f. That granting the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.
- g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- h. 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.
- i. 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 with the area.
- j. The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.
- k. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

4. Map Boundaries

To hear and decide appeals involving the interpretation of the location of district boundaries shown on the Official Zoning Map.

ARTICLE

12



AMENDMENT

Section A. Zoning Amendment Petition

The Board of Mayor and Aldermen of Martin, Tennessee may amend the regulations, restrictions, boundaries, or any provision of any ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to the ordinance.

Section B. Planning Commission Review

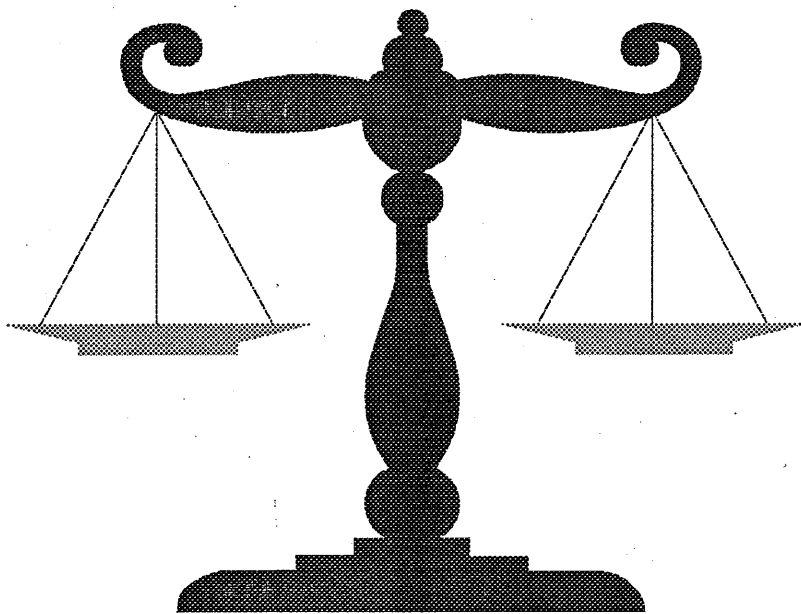
No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Martin Municipal / Regional Planning Commission. If the Martin Municipal / Regional Planning Commission within 30 days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Martin Municipal / Regional Planning Commission neither approves nor disapproves such proposed amendment within 35 days after such submission, the absence of action shall be considered as approval of the proposed amendment. After the Planning Commission has acted upon a petition to change the zoning classification of a piece of property, additional petitions to change the zoning classification of the same piece of property must not be introduced for another 12 months period. Upon submission and rejection of a second zoning reclassification petition no additional petitions for the same zone reclassification shall be introduced for a period of at least 48 months. If in the opinion of the planning commission documented unusual circumstances warrant the removal of these restrictions, the commission may reconsider the same petition.

Section C. Public Hearing on Proposed Amendment

Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Martin, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than 15 days after the date of publication of such notice.

ARTICLE

13



**LEGAL
STATUS
PROVISIONS**

Section A. Conflict with Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance, 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 holding 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 take effect and be in force 15 days from and after its passage on the second and final reading and adoption, the public welfare demanding it.

Date Recommended by Planning Commission _____

Chairman of the Planning Commission

Date Introduced

Date Passed First Reading

Date Passed Second Reading

ATTESTED:

Richard L Tidwell, City Administrator

APPROVED:

Larry W. Taylor, Mayor

APPENDICES

APPENDIX A2
APPENDIX A3

Petition of Change or Relief
Site Plan Certificates

**PETITION FOR CHANGE OR RELIEF UNDER THE REGIONAL ZONING
ORDINANCE OR MAP OF THE MARTIN PLANNING REGION**

1. Applicant Name _____
Address _____
2. Owner Name _____
Address _____
3. Nature of Petition Rezoning _____ Use on Appeal _____ Variance _____
Ordinance Amendment _____ Ordinance Interpretation _____

3. If requesting a **Rezoning** fill out the following section:

- a. Street Address: _____
- b. Tax Map Number _____ Parcel Number _____ Area in Acres _____
- c. Vicinity Roads _____
- d. Present Zoning Classification _____
- e. Requested Zoning Classification _____
- f. Available Utilities Water (yes) (no), Sewer (yes) (no), Electric (yes) (no)
- g. Attach Map of affected property

4. If requesting a **Use on Appeal** fill out the following section:

- a. Property address affected _____
- b. Present Zoning _____
- c. Reason for request _____

- d. Attach Site Plan of existing or proposed structure for the use on appeal

5. **Any other request** fill out the following section:

- a. Present Zoning: _____
- b. Reason for request: _____

I hereby certify that the statements made here in by me herein and the maps other accompanying data submitted herewith is true and correct. I will be responsible for the cost of publishing and filing this application.

Signature of Applicant

SITE PLAN CERTIFICATES

CERTIFICATE OF ACCURACY OF ENGINEERING AND DESIGN

I, _____ (printed name of signer) _____, a professional Architect, Engineer, Surveyor do hereby certify that the plans, engineering and designs governing the construction this site plan are true and correct, and conform to the requirements set forth in the Martin Regional Zoning Ordinance.

_____, 19 _____
Date

Signature

PLANNING COMMISSION CERTIFICATE

I, _____ (printed name of signer) _____ do hereby certify that the Martin Municipal / Regional Planning Commission has approved this site plan.

_____, 19 _____
(Date)

Secretary, Martin Municipal / Regional
Planning Commission