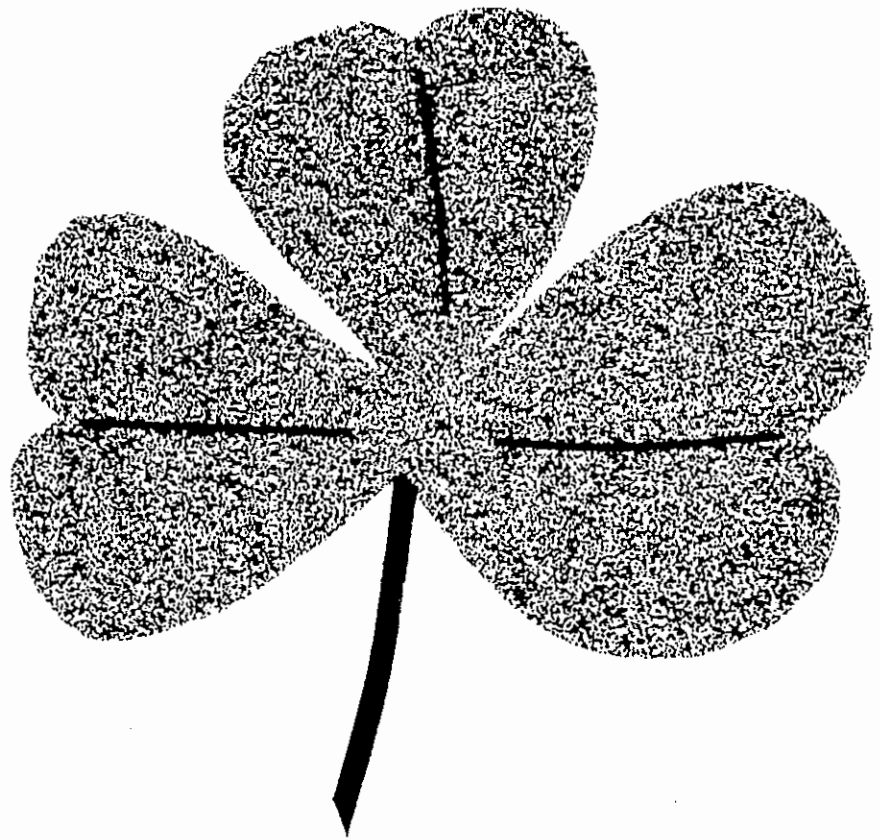


# **ZONING ORDINANCE**



***ERIN***  
**Tennessee**

ORDINANCE NO. 412  
ZONING ORDINANCE  
ERIN, TENNESSEE

ZONING ORDINANCE

ERIN, TENNESSEE

DECEMBER 6, 1988

AMENDED: JUNE 2, 2008

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## TABLE OF CONTENTS

	<u>PAGE</u>
CHAPTER 1 TITLE	1-1
CHAPTER 2 PURPOSE	2-1
CHAPTER 3 DEFINITIONS	3-1
3-100 Scope	3-1
3-200 Definitions	3-1
CHAPTER 4 GENERAL PROVISIONS	4-1
4-100 Zoning Affects Every Building and Use	4-1
4-1200 Nonconforming Lots, Uses and Structures	4-1
4-300 Only One (1) Principal Building on Any Residential Lot	4-3
4-400 Reduction in Lot Area Prohibited	4-3
4-500 Off-Street Parking Requirements	4-3
4-600 Off-Street Loading and Unloading Requirements	4-6
4-700 Access Control	4-6
4-800 Obstruction to Vision at Street Intersection Prohibited	4-7
4-900 Lot Must Abut a Public Street	4-7
4-1000 Rear Yard Abutting a Public Street	4-7
4-1100 Corner Lots	4-7
4-1200 Plot Plan Requirements	4-7
4-1300 Standards for Signs, Billboards, and Other Advertising Structures	4-8
4-1400 Accessory Use Regulations	4-10
4-1500 Buffer Strips	4-10
4-1600 Temporary Use Regulations	4-11
4-1700 Customary Incidental Home Occupations	4-12
4-1800 Gasoline Service Station Restrictions	4-12
4-1900 Development Standards for Mobile Home Parks	4-12
4-2000 Development Standards for Automobile Wrecking, Junk and Salvage Yards	4-15
4-2100 Alternative Provisions for the Location of Open Space and Placement of Buildings	4-16
CHAPTER 5 ESTABLISHMENT OF ZONING DISTRICTS	5-1
5-100 Classification of Districts	5-1
5-200 Provisions for Official Zoning Maps	5-1
5-300 Interpretation of District Boundaries	5-2
5-400 Zoning of Annexed Land	5-2

# TABLE OF CONTENTS (Continued)

	<u>PAGE</u>
CHAPTER 6 PROVISIONS GOVERNING RESIDENTIAL DISTRICTS	6-1
6-100 Low Density Residential (R-1)	6-1
6-200 Medium Density Residential (R-2)	6-3
6-300 High Density Residential (R-3)	6-4
CHAPTER 7 PROVISIONS GOVERNING COMMERCIAL DISTRICTS	7-1
7-100 C-1, Central Business District	7-1
7-200 C-2, General Commercial District	7-3
7-300 C-3, Office/Professional Service District	7-5
CHAPTER 8 PROVISIONS GOVERNING INDUSTRIAL DISTRICTS	8-1
8-100 Industrial District	8-1
8-200 District Description	8-2
8-300 Uses Permitted	8-2
8-400 Uses Permitted as Conditional Uses	8-3
8-500 Uses Prohibited	8-3
8-600 Regulations Controlling Lot Area, Lot Widths, and Building Height	8-3
8-700 Parking Space Requirements	8-4
CHAPTER 9 PROVISIONS GOVERNING FLOODPLAIN DISTRICTS	9-1
9-100 Statutory Authorization, Findings of Fact, Purpose and Objectives	9-1
9-200 Definitions	9-2
9-300 General Provisions	9-9
9-400 Administration	9-10
9-500 Provisions for Flood Hazard Reduction	9-13
9-600 Variance Procedures	9-18
CHAPTER 10 PROVISIONS GOVERNING HISTORIC DISTRICTS	10-1
10-100 General Purposes of Historic District	10-1
10-200 Creation of Historic District	10-1
10-300 Creation of an Historic Zoning Commission	10-2
10-400 Appointment to the Historic Zoning Commission	10-2
10-500 Election of Officers, Rules and Meetings	10-2
10-600 Powers and Duties of the Historic Zoning Commission	10-3
10-700 Submittal of Zoning Permit to the Historical Zoning Commission	10-4
10-800 Approval of Removal or Demolition	10-4
10-900 Appeals from Decision of the Historic Zoning Commission	10-4
10-1000 Land Use	10-5
10-1100 Construction Codes	10-5

# TABLE OF CONTENTS (Continued)

	<u>PAGE</u>
CHAPTER 11 PROVISIONS GOVERNING PLANNED DEVELOPMENT	11-1
11-100 Intent of Chapter	11-1
11-200 Procedure for Approval	11-1
11-300 Purpose and Intent of Planned Commercial Development	11-3
11-400 Types of Planned Commercial Development	11-3
11-500 Permitted Activities in Planned Commercial Development	11-3
11-600 Development Standards	11-3
CHAPTER 12 EXCEPTIONS AND MODIFICATIONS	12-1
12-100 Lots of Record	12-1
12-200 Front Yards	12-1
12-300 Temporary Use Permits	12-2
12-400 Exceptions on Height Limitations	12-2
12-500 Absolute Minimum Lot Size	12-2
CHAPTER 13 ENFORCEMENT	13-1
13-100 Enforcing Officer	13-1
13-200 Building Permits and Certificates of Occupancy	13-1
13-300 Penalties	13-2
13-400 Remedies	13-2
CHAPTER 14 BOARD OF ZONING APPEALS	14-1
14-100 Creation of Municipal Board of Zoning Appeals	14-1
14-200 Appointment of Board Members	14-1
14-300 Powers of the Board	14-1
14-400 Rules and Proceedings of the Board	14-2
14-500 Zoning Variances	14-3
14-600 Conditional Use Procedure	14-4
CHAPTER 15 AMENDMENT	15-1
15-100 Amendments to the Ordinance	15-1
CHAPTER 16 LEGAL STATUS PROVISIONS	16-1
16-100 Conflict with Other Ordinances	16-1
16-200 Validity	16-1
16-300 Effective Date	16-1
PROCEDURE OF PASSAGE	16-2

# LIST OF AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
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September 7, 1993	462	Chapter 9, Provisions Governing Floodplain Districts, Deleted in its entirety and replaced.
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January 2, 1995	482	Chapter 4, Section 4-300, Only One (1) Principal Building on Any Residential Lot, in its entirety.
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October 5, 2004	541	Chapter 3, Definitions, Section 3-200, Definitions, under definition of Professional Office, include beauty and hair salons.
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Chapter 6, Provisions Governing Residential Districts, Section 6-200, Medium Density Residential (R-2), Subsection 6-200.3, Conditional Uses, Added: Subpart 5, Professional Office Services.

April 20, 2006	547	Chapter 7, Subsection 7.200.3; Conditional Uses, Added Subpart 3, Modular or prefabricated dwellings and individual mobile homes.
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Chapter 7, Subsection 7.200.4, Prohibited Uses and Structures, Deleted 2, Mobile homes, and Renumbered.

June 3, 2008	558	Chapter 7, Subsection 7.200.3, Conditional Uses, Added 4, Duplex Dwelling Means.
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## ORDINANCE NO. 412

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY SECTIONS 13-7-201 THROUGH 13-7-210, TENNESSEE CODE, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE LIMITS OF THE CITY OF ERIN, TENNESSEE: TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE SIZE OF OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES: TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

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

### CHAPTER 1

#### TITLE

This Ordinance shall be known as the "Zoning Ordinance of the City of Erin, Tennessee". The map herein referred to as the "Municipal Zoning Map of Erin, Tennessee", dated, December 6, 1988, and all explanatory matters thereon is hereby adopted and made a part of this Ordinance.



## CHAPTER 2

### PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and 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 to the character to 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 city.

## CHAPTER 3

### DEFINITIONS

#### SECTION

- 3-100 Scope
- 3-200 Definitions

#### 3-100 SCOPE

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

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

#### 3-200 DEFINITIONS

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

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

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

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

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

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Tennessee, are complied with.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

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

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

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

AUTOMOBILE WRECKING: The dismantling, dumping, storage, and sale of parts from used or disabled automobile, trucks, trailers, and tractors.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: A lot or parcel of land usually exposed to the elements where disabled motor vehicles of any kind are collected, dismantled, stored and salvaged for the resale of parts thereof.

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

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

BOARD: The Erin, Tennessee Board of Zoning Appeals.

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

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

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

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

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

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

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

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

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

CAMPING GROUND: A parcel of land used, intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See MEDICAL FACILITIES.

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

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

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

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

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

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

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

- A. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- B. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- C. Apartment dwellings means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters.
- D. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.
- E. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
- F. Townhouse means a residential structure containing three (3) or more single nondetached dwelling units separated by a common vertical wall.
- G. Condominium means an apartment building or townhouse containing three (3) or more dwelling units being under or intended for separate ownership for each household living accommodations.
- H. Multi-family means a townhouse or apartment dwelling.
- I. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such system. Such structures are distinguished from mobile homes as described elsewhere in this Ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.

- J. Mobile home or trailer means a vehicular, portable structure built on a permanent chassis, designed for year-round occupancy and designed to be used with or without a permanent foundation when connected to the required utilities including the plumbing, heating, and electrical contained therein, and which is capable of being moved, towed, or transported by another vehicle. Recreation vehicles and travel trailers are not included in this definition of mobile home.

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

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

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters;
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

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

FRONTAGE: All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

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

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

HEALTH DEPARTMENT: The Houston County Health Department.

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

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HOME OCCUPATION: See Section 4-1700.

HOSPITAL: See MEDICAL FACILITIES.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metals, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LIGHT INDUSTRY: Is defined, for the purpose of this Ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

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

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

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

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

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

LOT, INTERIOR: A lot other than a corner lot.

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

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

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

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

## MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight, except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

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

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment, thereof.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this Ordinance which does not conform to the regulations of the district in which it is located.

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

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

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

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

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PLANNED DEVELOPMENT: This is an interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

PLANNING COMMISSION: The Erin Municipal-Regional Planning Commission.



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

**PRINCIPAL USE:** The specific primary purpose for which land or a building is used.

**PRIVATE WASTEWATER TREATMENT:** Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for collection and treatment and/or disposal of wastewater, as approved by the appropriate county health office.

**PROFESSIONAL OFFICE:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, beauty and hair salons, or similar professions. (Amended by Ordinance 541, October 5, 2003)

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

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

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

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

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

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

**SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE:** Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

- A. **Advertising Sign:** A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.
- B. **Billboard:** A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

- C. Business Sign: A sign which directs attention to the business or profession conducted on the premises.
- D. Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- E. Ground Sign: A sign supported by a pole, uprights, or braces on the ground.
- F. Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.
- G. Indirect Illumination Sign: Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.
- H. Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building or line, or property line.
- I. Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.
- J. On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.
- K. Roof Sign: A detached sign supported upon the roof or wall of a building.
- L. Temporary Sign: Temporary signs shall include any sign, banner, pennant, valence, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.
- M. Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

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

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

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

**SUBDIVISION:** The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (1) before the repair or improvement, or (2) before the damage occurred. Structural improvement, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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

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

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

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

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

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

**YARD, SIDE:** The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

## CHAPTER 4

### GENERAL PROVISIONS

#### SECTION

4-100	Zoning Affects Every Building and Use
4-200	Nonconforming Uses
4-300	Only One (1) Principal Building on Any Residential Lot
4-400	Reduction in Lot Area Prohibited
4-500	Off-Street Parking Requirements
4-600	Off-Street Loading and Unloading Requirements
4-700	Access Control
4-800	Obstruction to Vision at Street Intersection Prohibited
4-900	Lot Must Abut a Public Street
4-1000	Rear Yard Abutting a Public Street
4-1100	Corner Lots
4-1200	Plot Plan Requirements
4-1300	Standards for Signs, Billboards, and Other Advertising Structures
4-1400	Accessory Use Regulations
4-1500	Buffer Strips
4-1600	Temporary Use Regulations
4-1700	Customary Incidental Home Occupations
4-1800	Gasoline Service Station Restrictions
4-1900	Development Standards for Mobile Home Parks
4-2000	Development Standards for Automobile Wrecking, Junk and Salvage Yards
4-2100	Alternative Provisions for the Location of Open Space and Placement of Buildings

#### 4-100 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.

#### 4-200 NONCONFORMING USES

The provisions governing nonconforming uses are established in order to provide a gradual remedy for existing undesirable conditions resulting from incompatible nonconforming uses. While such uses are generally permitted to continue, this Ordinance is designed to restrict further investment in which uses which would make them more permanent establishments in uses which would make them more permanent establishments in inappropriate locations. It is the intent of this Ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

#### 4-200.1 Change from Nonconforming Use to Another Use

An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification; provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

#### 4-200.2 Area Restriction

A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this Ordinance.

#### 4-200.3 Discontinuance of a Nonconforming Use

When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of this Ordinance. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park, the nonconformity of such structure and use of land shall lapse.

#### 4.200.4 Damage to a Nonconforming Use

Any nonconforming building or nonconforming uses which is damaged by fire, flood, wind, or other acts of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damage to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.

#### 4-200.5 Damage or Destruction of Commercial or Industrial Nonconforming Uses

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

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

#### 4-200.6 Alteration of a Nonconforming Use

A nonconforming building or building house a nonconforming use shall not be structurally altered, except in conformance with the provisions of this Ordinance. The provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

#### 4-200.7 Alteration of Commercial and Industrial Nonconforming Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use to another nonconforming use and further provide that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this Ordinance.

#### 4-200.8 Expansion of Commercial and Industrial Nonconforming Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

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

#### 4-300 ONLY ONE (1) PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT (Amended by Ordinance No. 482, January 2, 1995.)

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot. This provision does not prohibit planned development complexes as permitted in Chapter 11, of this Ordinance, multi-family dwellings or mobile home parks.

#### 4-400 REDUCTION IN LOT AREA PROHIBITED

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

#### 4-500 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

1. Single Detached Dwelling and Duplex  
Not less than two (2) spaces for each dwelling unit.
2. Apartment Dwelling  
Not less than two (2) spaces per dwelling unit.

3. Board Houses and Rooming Houses  
Not less than one (1) space for each one (1) room to be rented.
4. Townhouse and Condominium  
Not less than two (2) spaces per dwelling unit.
5. Other Dwelling Units  
Not less than two (2) spaces per dwelling unit.
6. Hotels, Motels and Other Tourist Accommodations  
Not less than one (1) space for each room to be rented plus one (1) additional space for each two (2) employees.
7. Any Auditorium, Church, Stadium, or Other Place of Public Assembly  
Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
8. Manufacturing, Industrial or Wholesaling Use  
Not less than one (1) space for each three (3) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
9. Office and Professional Buildings  
Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor, plus one (1) parking space for each five hundred (500) square feet of floor space (or fraction thereof) above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection, plus one (1) parking space for each two (2) employees.
10. Retail Sales and Service Establishments  
Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space in commercial districts.
11. Medical or Dental Clinic  
Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.

12. Service Stations

Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fourteen hundred (1,400) square feet of lot area or fraction thereof, whichever is greater.

13. Restaurants

Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.

14. Other

For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4-500.1 Certification of Minimum Parking Requirements

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

4-500.2 Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot, but the required spaces assigned to one use may be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4-500.3 Remote Parking Space

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

4-500.4 Extension of Parking Space into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking space adjoins a commercial or industrial district.
2. The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.



3. The parking space is separated from abutting properties in the residential districts by a buffer strip.

#### 4-500.5 Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than two hundred (200) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4-700, of this Ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

#### 4-600 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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

##### Total Usable Floor Area for Principal Building

0 to 4,999 sq. ft.  
5,000 to 9,999 sq. ft.  
10,000 to 14,999 sq. ft.  
15,000 to 19,999 sq. ft.  
Over 20,000 sq. ft.

##### Spaces Required (See CHAPTER 2, for Definition)

One (1) space  
Two (2) spaces  
Three (3) spaces  
Four (4) spaces  
Four (4) spaces, plus one (1)  
space for each additional  
20,000 sq. ft.

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

#### 4-700 ACCESS CONTROL

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one (1) public street.

- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection.
- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the Erin Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between drive-ways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

#### 4-800 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot in any district, except the central business district, within the area formed by the center lines of the intersecting or intercepting streets and a line adjoining points on such center lines at a distance of seventy-five (75) feet from the intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any retaining wall.

#### 4-900 LOT MUST ABUT A PUBLIC STREET

No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) feet. This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least forty (40) feet, or a home constructed in compliance with Section 4-2100.

#### 4-1000 REAR YARD ABUTTING A PUBLIC STREET

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

#### 4-1100 CORNER LOTS

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

#### 4-1200 PLOT PLAN REQUIREMENTS

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

- 4-1200.1 Proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family, two-family and three-family dwellings) shall be submitted at a scale no smaller than 1" = 100', showing contours at five (5) foot intervals, and must exhibit required automobile storage areas, servicing utilities with reference to location, availability, compatibility, and related easements, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, a proposed drainage plan, the density of development or the required open space, the number of dwelling units per acre if applicable, all required building setbacks and other yard requirements, and landscape treatment in accordance with Chapter 3, General Provisions, of this Ordinance.
- 4-1200.2 Proposals for planned developments and mobile home parks shall follow separate provisions outlined in Section 4-1900 and Chapter 11, in this Ordinance.
- 4-1200.3 The above applications must be supported by any other information or data as might be deemed necessary by the Erin Municipal-Regional Planning Commission.

#### 4-1300 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

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

- 4-1300.1 In any zoning district, the following general regulations shall apply as well as the regulations in Chapter 23, "Signs and Outdoor Displays", of the Southern Standard Building Code:
1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control, sign, signal, device or, emergency vehicle.
  2. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district, unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
  3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length.
  4. Billboards shall be erected or placed in conformity with the side, front and rear yard requirements of the district in which located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any residential district.
  5. On the premises, outdoor advertising signs, including flashing or intermittent illumination, shall not intrude upon the public right-of-way.

6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the residential district.
8. Temporary signs and posters are subject to the following regulations:
  - a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
  - b. Nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
  - c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architects, during construction of a building.
  - d. Signs established by, or by order of, any governmental agency.
  - e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
  - f. Flags or emblems of political, civic, philanthropic, educational or religious organizations.
  - g. Small unilluminated signs, not exceeding one and one-half (1 1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify restrooms, freight entrances and the like.

4-1300.2 In the R-1, R-2 and R-3, Residential Districts, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
2. For multi-family dwellings and mobile home parks, identification signs not exceeding twenty (20) square feet in area are permitted.
3. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
4. Flashing or intermittent illumination is prohibited.
5. Billboards and other advertising structures are prohibited.

4-1300.3 In the C-1, C-2, C-3, Commercial Districts, the following regulations shall apply:

1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.
2. Business signs shall be permitted subject only to the restrictions in Subsection 4-1300.1, of this Ordinance. All ground signs shall be located within the property line.
3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street, will be permitted. Such sign shall be directly related to the activity conducted on said premises.
4. Billboards and other outdoor advertising structures are permitted, subject to the general restrictions set forth in Subsection 4-1300.1.

4-1300.4 In the I-1, Industrial District, the following regulations shall apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. Billboards and other outdoor advertising structures are permitted.

#### 4-1400 ACCESSORY USE REGULATIONS

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

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

#### 4-1500 BUFFER STRIPS

Where a use is established in areas zoned nonresidential (C-1, C-2, C-3, and I-1) which abuts at any point upon property zoned residential (R-1, R-2, and R-3), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants a four (4) foot metal, mesh fence designed to keep a litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Appeals.

#### 4-1600 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a temporary use permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

##### 4-1600.1 Carnival or Circus

May obtain a temporary use permit in the G-2 or F-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

##### 4-1600.2 Christmas Tree Sale

May obtain a thirty (30) day temporary use permit for the display and sale of Christmas trees on open lots in any district.

##### 4-1600.3 Temporary Buildings

In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to construction projects. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the temporary use permit, whichever occurs sooner.

##### 4-1600.4 Religious Tent Meetings

In any district, except residential, a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

##### 4-1600.5 Temporary Dwelling Unit In Cases of Special Hardship

In any residential district, a temporary use permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Erin Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

#### 4-1700 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodations of not more than two (2) boarders) conducted by members of a family residing on the premises or only one (1) person in addition to those persons residing therein conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

#### 4.1800 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

- 4-1800.1 There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- 4-1800.2 Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- 4-1800.3 Sign requirements as established in Chapter 4, Section 4.1300, shall be met.

#### 4.1900 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following land development standards shall apply for all mobile home parks:

- 4-1900.1 No parcel of land containing less than five (5) acres and less than twelve (12) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- 4-1900.2 The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- 4-1900.3 Dimensional Requirements for Parks
  - 1. Each mobile home park shall have a front yard setback of thirty (30) feet, exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
  - 2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

#### 4-1900.4 Dimensional Requirements for Mobile Home Spaces

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile home parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet from any building within the mobile home park.
4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand-six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In areas without public wastewater service, the minimum lot area shall be seven thousand-five hundred (7,500) square feet, for single-wide mobile home and ten thousand (10,000) square feet, for a double-wide mobile home, unless a higher density is approved by the Houston County Health Department and the Board of Zoning Appeals after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

No mobile home park shall be permitted, unless such park is served by a public water supply.



#### 4-1900.5 General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet in accordance with the procedures and standards for minor residential streets as specified in the Erin Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut an access road as described in Subsection 1, above, of this section.
3. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Houston County Health Department and Board of Zoning Appeals.
4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.

#### 4-1900.6 Plans and Schedules Required

The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location, and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and the internal street circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. A comprehensive plan.

10. Such other architectural, engineering, and topographical data as may be required to permit the local health department, the Erin Building Inspector, the Staff Planner, and the Board of Zoning Appeals, to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
12. All mobile home parks which do not conform to the provisions of the Zoning Ordinance shall be governed in accordance with the provisions of Section 4-200, Nonconforming Lots, Uses and Structures, of this Ordinance.

#### **4-1900.7 Application for Mobile Home Park Building Permit**

An application for a permit to develop and construct a mobile home park shall be filed in accordance with Section 4-1200, of this Ordinance and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Houston County Health Department will be submitted to the Erin Building Inspector and Staff Planner. The Building Inspector and Staff Planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.
2. The Erin Building Inspector and Staff Planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Erin Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

#### **4-2000 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS**

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- 4-2000.1 All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- 4-2000.2 Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

4-2000.3 All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, uniformly from eight (8) to twelve (12) feet, in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

4-2000.4 All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

4-2000.5 Off-Road Parking

As regulated in Section 4-500.

4-2000.6 Ingress and Egress

The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

4-2000.6 Application for Automobile Wrecking, Junk or Salvage Yard Permit

No person shall own or maintain an automobile wrecking, junk, or salvage yard within Erin, until he has secured a permit from the Erin Board of Zoning Appeals. An application for said permit shall be filed in accordance with Section 14-600, of this Ordinance, and shall be accompanied by a detailed site plan, as set forth in Section 4-1200, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in Section 14-400.

4-2100 ALTERNATIVE PROVISIONS FOR THE LOCATION OF OPEN SPACE AND PLACEMENT OF BUILDINGS

4-2100.1 Purpose

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the location of open spaces associated therewith. These provisions are intended to provide for variations in lot size and open space requirements within the residential districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

#### 4-2100.2 General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. as such, the provisions do not constitute a use but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this Ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

The sketch plat required in Subsection 4-2100.3, is intended to provide not only an accurate statement of the development scheme proposed for each such density development, but an enforceable legal instrument whereby the planning commission may be assured that the general purposes, standards, etc., contained in this Ordinance are being met.

#### 4-2100.3 Site Development Plan Required

##### A. Contents

A sketch plat as required by the Subdivision Regulations, shall be prepared and submitted to the planning commission for its review.

##### B. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the planning commission may:

- (1) Concurrently review the site development plan and sketch plat;
- (2) Jointly approve, approve with modification, or disapprove these documents;  
and
- (3) In the instance of approval, or approval with modification, transfer the site development plan to the zoning administrator for enforcement.

##### C. Enforcement

Upon approval of a sketch plat, the zoning administrator shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

#### 4-2100.4 Development Standards

The following standards and requirements shall apply to all density developments.

##### A. General Standards for Development

In the interest of promoting the most appropriate and economical use of the land while assuring that the character of the residential district is maintained, the planning commission in its review of a proposed development shall consider the following:

- (1) The protection of the character, property values, privacy and other characteristics of the surrounding neighborhood;

- (2) The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- (3) The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

B. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this Ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than twenty thousand (20,000) square feet in area and all septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.

C. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- (1) From the gross acreage available within the development shall be subtracted:
  - (1) any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner because of restrictions thereon;
  - (2) any portion of the site which lies within a floodway district.
- (2) The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

D. Minimum Lot Area and Lot Width

No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated:

MINIMUM LOT AREA BY DWELLING UNIT TYPE

<u>Dwelling Type</u>	<u>DISTRICT</u>		
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
One-Family	10,000 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Two-Family	20,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.

The minimum lot width at the building line shall be as approved by the planning commission.

E. Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

- (1) For units located entirely within the interior of a site, no yards as such are required. However, each dwelling unit shall on its own lot have one (1) yard containing not less than six hundred (600) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.
- (2) In addition to the provisions of Subsection (1), above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

F. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two (2) or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

G. Access to Dwellings

All lots must abut a public street a minimum of thirty (30) feet.

H. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

4-2100.5 Open Space Requirements

Any common open space provided within a development of this type shall be subject to the following:

A. Quality Use and Improvement of Common Open Space

- (1) Common open space must be for amenity or recreation purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.

- (2) No common open space may be put to any use not specified in the approved final plat, unless such plan has been approved by the planning commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- (3) Common open space may, subject to approval by the planning commission, consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

B. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- (1) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- (2) It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization meeting the requirements of Subsection C., below, for the maintenance of the development. The common open space must be conveyed to the trustees subject to covenants to be approved by the planning commission which restrict the common open space to the uses specified on the final plat, and which provide for the maintenance of the common open space in a manner which assure its continuing use for its intended purpose.

C. Requirement for Maintenance Organization

In any instance where common open space is to be conveyed to an organization other than a public agency, the planning commission shall require that the landholder provide for and establish an organization for the ownership and maintenance of any common open space, and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the city and the said dedication be approved by the planning commission. However, the conditions of any transfer shall conform to the adopted final development plan.

D. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that

will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall be included but not be limited to the following:

- (1) The maintenance organization must be established and operational before any homes are sold.
- (2) Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.
- (3) The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.
- (4) The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- (5) Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- (6) The association must be able to adjust the assessment of fees to meet changing needs.

E. Failure of Maintenance Organization

In the event that the organization established to own and maintain common open space, or any successor of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Building Inspector may serve written notice upon such organization and/or the owners or residents of the development and hold a Public Hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the organization is not prepared for the maintenance of common open space such agency shall continue maintenance for yearly periods. The cost of such maintenance shall be assess proportionately against the properties within the development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

F. Assurance Involving the Provision of Common Open Space

The planning commission shall require adequate assurance, in a form and manner which it approves, that the common open space shown in the final plat will be provided and developed. The following methods of assurance are illustrative of the types of assurances required. They may be used singly, in combination or in conjunction with other similar methods:

- (1) The city may accept a bond, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.



- (2) The title to the land shown as common open space may be put in escrow. The escrow agreement to provide that the land is to be held in escrow until the planning commission has certified to the escrow agent that the development has been completed, at which time the common open space is to be conveyed to the maintenance organization. The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instance, the planning commission is to certify the completion of each stage of the planned development to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space which is conveyed is to be of the same proportions to the open space provided on the final plat as the dwelling units that have been built are to the total number of dwelling units which are allowable by the final plat.
- (3) In conjunction with Paragraph (1), of this section, if any development which includes common open space is held by the developer on option, the developer shall assign to the city the right to exercise the option to acquire the common open space.
- (4) In general, the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plat must proceed at no slower rate than the construction of dwelling units. From time to time, the planning commission shall compare the actual development with the development schedule. If the commission finds that the rate of construction of dwelling units is substantially greater than the rate at which common opens spaces and public and recreational facilities have been constructed and provided, then the planning commission may either cease to approve any additional final plats and/or instruct the Building Inspector to discontinue issuance of building permits.

## CHAPTER 5

### ESTABLISHMENT OF ZONING DISTRICTS

#### SECTION

- 5-100 Classification of Districts
- 5-200 Provisions for Official Zoning Maps
- 5-300 Interpretation of District Boundaries
- 5-400 Zoning of Annexed Land

#### 5-100 CLASSIFICATION OF DISTRICTS

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

- A. Residential Districts
  - R-1 - Single Family Residential
  - R-2 - Medium Density Residential
  - R-3 - High Density Residential
- B. Commercial Districts
  - C-1 - Central Business District
  - C-2 - General Commercial District
  - C-3 - Office/Professional Service District
- C. Industrial Districts
  - I-1 - General Industrial District
- D. Special Overlay District
  - F-1 - Floodplain District

#### 5-200 PROVISIONS FOR OFFICIAL ZONING MAPS

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

The Official Zoning Map shall be identified by the signature of the mayor attested by the city recorder and dated with the effective date of the Ordinance. Certified prints of the adopted Official Zoning Map with amendments thereto shall be available for inspection by the public at all reasonable times, as long as this Ordinance remains in effect.

#### 5-300 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines, shall be construed to follow such shore lines, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsection "A" through "E", above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of map.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by Subsections "A" through "F", above, the Board of Appeals shall interpret the district boundaries.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

#### 5-400 ZONING OF ANNEXED LAND

Upon annexation of land by the City of Erin, by any means, the planning commission shall recommend to the city board appropriate zoning districting within sixty (60) days following the final approval of the annexation. Prior to the final enactment of the Board of Mayor and Aldermen of an amendment to this Ordinance establishing zoning districting for said territory, the area shall be temporarily unclassified and no building permits shall be issued.

## CHAPTER 6

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### SECTION

- 6-100 Low Density Residential (R-1)
- 6-200 Medium Density Residential (R-2)
- 6-300 High Density Residential (R-3)

#### 6-100 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

##### 6-100.1 Purpose and Intent of District

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this Ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this Ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

##### 6-100.2 Uses and Structures

###### 1. Permitted Principal Uses and Structures

- a. Single-family detached dwellings.
- b. Two-family dwellings (duplexes).
- c. Agricultural activities.
- d. Churches.
- e. Public and private schools offering conventional academic curriculums.

###### 2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas.
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents.

- c. Home occupations as defined and subject to the provisions of this Ordinance.
- d. Accessory uses or structures customarily incidental to the above permitted uses.

#### 6-100.3 Conditional Uses

The following activities may be permitted only as uses in accordance with Section 14-600.

- 1. Individual residential mobile homes.
- 2. Cemeteries.
- 3. Essential community facilities and services.
- 4. Private day nurseries and kindergartens.

#### 6-100.4 Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein by right, by accessory use or by conditional use.

#### 6-100.5 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions; provided, however, that all barns, sheds, soils, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

- 1. Minimum lot area per dwelling 15,000 sq. ft.
- 2. Lot width at building line 75 ft.
- 3. Maximum lot coverage by all buildings 20 percent
- 4. No building shall exceed forty (40) feet in height, except as provided in Section 12-400.

#### 6-100.6 Minimum Yard Requirements

The basic yard regulations appearing below apply to all zone lots located within R-2 Districts.

Minimum Front Yard	40 ft.
Minimum Side Yard	15 ft.
Minimum Rear Yard	20 ft.

## 6-200 MEDIUM DENSITY RESIDENTIAL (R-2)

### 6-200.1 Purpose and Intent of District

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this Ordinance to exclude from this class of district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

### 6-200.2 Uses and Structures

#### 1. Permitted Principal Uses and Structures

- a. Single-family detached dwellings.
- b. Two-family dwellings (duplexes).
- c. Churches.
- d. Public and private schools offering conventional academic curriculums.

#### 2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas.
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents.
- c. Signs complying with applicable regulations set forth in Section 4-1300, of this Ordinance.
- d. Home occupations as defined and subject to the provisions of this Ordinance.
- e. Accessory uses or structures customarily incidental to the above permitted uses.

### 6-200.3 Conditional Uses

The following activities may be permitted only as uses in accordance with Section 14-600.

1. Individual residential mobile homes.
2. Cemeteries.
3. Essential community facilities and services.
4. Private day nurseries and kindergartens.
5. Professional office services. (Added by Ordinance 541, October 5, 2004)

### 6-200.4 Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein by right, by accessory use or by conditional use.

### 6-200.5 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions located in any R-2 District

- |  |                |
|--|----------------|
| 1. Minimum lot area per dwelling   | 10,000 sq. ft. |
| 2. Lot width at building line  | 75 ft.         |
| 3. Maximum lot coverage by all buildings   | 30 percent     |
| 4. No building shall exceed forty (40) feet in height, except as provided in Section 12-400. |                |

### 6-200.6 Minimum Yard Requirements

The basic yard regulations appearing below apply to all zone lots located within R-2 Districts.

Minimum Front Yard	30 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	15 ft.

## 6-300 HIGH DENSITY RESIDENTIAL (R-3)

### 6-300.1 Purpose and Intent of District

These districts are designed to provide suitable areas for medium-high density residential development where sufficient urban facilities are available prior to development. These districts will be characterized by a variety of housing types and such other structures as are

accessory thereto. These districts are intended also to permit community facilities and public utility installations which are necessary to service and do service specifically for the residents of these districts, or which are benefitted by and compatible with a medium-high density residential environment. It is the express purpose of this Ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

#### 6-300.2 Uses and Structures

##### 1. Permitted Principal Uses and Structures

- a. Single-family detached dwellings.
- b. Multiple-family dwellings, boarding and lodging houses.
- c. Modular or prefabricated dwellings and individual mobile homes
- d. Churches.
- e. Public and private schools offering conventional academic curriculums.
- f. Mobile home parks as provided in Section 4-1900.

##### 2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas.
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents.
- c. Signs complying with applicable regulations set forth in Section 4-1300, of this Ordinance.
- d. Home occupations as defined and subject to the provisions of this Ordinance.
- e. Accessory uses or structures customarily incidental to the above permitted uses.

#### 6-300.3 Conditional Uses

The following activities may be permitted only as uses in accordance with Section 14-600.

1. Cemeteries and funeral homes.
2. Essential community facilities and services.
3. Private day nurseries and kindergartens.



#### 6-300.4 Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein by right, by accessory use or by conditional use.

#### 6-300.5 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions located in any R-3 District.

- |    |   |               |
|----|---|---------------|
| 1. | Minimum lot area per dwelling   | 7,500 sq. ft. |
| 2. | Lot width at building line  | 75 ft.        |
| 3. | Maximum lot coverage by all buildings   | 30 percent    |
| 4. | No building shall exceed forty (40) feet in height, except as provided in Section 12-400. |               |

#### 6-300.6 Minimum Yard Requirements

The basic yard regulations appearing below apply to all zone lots located within R-3 Districts.

Minimum Front Yard	25 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	10 ft.

#### 6-300.7 Plot Plan Required

Within this district, no building permit for the construction of any building, except single family, two family and three family dwellings or the addition to any building shall be issued until a plot plan in compliance with Section 4-1200, has been approved by the planning commission.

## CHAPTER 7

### PROVISIONS GOVERNING COMMERCIAL DISTRICTS

#### SECTION

- 7-100 C-1 Central Business District
- 7-200 C-2 General Commercial District
- 7-300 C-3, Office/Professional Service District

#### 7-100 C-1, CENTRAL BUSINESS DISTRICT

##### 7-100.1 Intent of District

This district is the focal point of commercial activity as presently developed. It is intended to protect and improve this district for the performance of this primary function, and to discourage uses not requiring a central location.

##### 7-100.2 Uses and Structures

##### 1. Permitted Principal Uses and Structures

- a. Retail stores, sales and display rooms and shops
- b. Offices.
- c. Hotels and motels.
- d. financial institutions.
- e. Personal service establishments.
- f. Business service establishments.
- g. Amusement and recreation establishments.
- h. Business schools, studios, vocational schools not involving processes of industrial nature.
- i. Clubs and Lodges.
- j. Churches
- k. Public buildings.
- l. Parking lots and parking garages.
- m. Filling stations
- n. Eating and drinking establishments (*Added by Ordinance #579 Nov. 1, 2011*)

2. Permitted Accessory Uses and Structures

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures".

7-100.3 Conditional Uses

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as conditional uses.

1. Residential uses permitted in Subsection 6-300.2, 1, b.
2. Planned Development, as regulated in Chapter 11.

7-100.4 Prohibited Uses and Structures

1. Manufacturing, except for production of products for sale at retail on the premises.
2. Warehousing, and storage, except as accessory to a permitted principal use.
3. Sales, service, display or storage of goods, except in completely enclosed buildings.
4. All uses and structures not of a nature specifically permitted uses.
5. Any use which the Board of Zoning Appeals, upon Appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.
6. Mobile homes.

7-100.5 Bulk Regulations

1. Minimum Lot Requirements (Area and Width)

None.

7-100.6 Minimum Yard Requirements

None.

1. Maximum Lot Coverage

Unrestricted.

2. Maximum Height

No portion shall exceed three (3) stories, forty (40) feet.

~~No portion shall exceed three (3) stories, forty (40) feet.~~

#### 7-100.7 Plot Plan Required

Within this district no building permit for the new construction of any building, or the addition to any building, shall be issued until a plot plan in compliance with Section 4-1200, has been approved by the planning commission.

### 7-200 C-2, GENERAL COMMERCIAL

#### 7-200.1 C-2, General Commercial

This district is intended to provide sufficient space in appropriate locations for establishments and uses engaged in wholesale and retail trade, warehousing and storage, and general service uses. These activities may tend to generate relative large traffic volumes and have other detrimental effects on residential districts. Care should be taken to reduce the impact of their location by the use of sufficient buffers and other feasible methods.

#### 7-200.2 Uses Permitted

##### 1. Principal Permitted Uses and Structures

- a. Retail stores
- b. Office, studios, and clinics.
- c. Finance, insurance and real estate services.
- d. Eating and drinking establishment.
- e. Repair services.
- f. Commercial recreation uses.
- g. Churches and mortuaries.
- h. Gasoline service stations subject to the provisions of Section 4-1800.
- i. Animal health facilities including veterinary clinics.
- j. Hotels, motels, and tourist courts.
- k. Wholesaling, warehousing, storage, supply and distribution not involving outdoor storage lots and yards.
- l. Service and repair establishments including automobile repair garages.

##### 2. Permitted Accessory Uses and Structures

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly

incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures".

### 7-200.3 Conditional Uses

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as conditional uses.

1. Outdoor Storage Lots and Yards (except for storage, processing, display or sale of salvaged materials), with provisions to protect uses and structures not on premises from adverse effects.
2. Planned Development as regulated in Chapter 11.
3. Modular or prefabricated dwellings and individual mobile homes. (Added by Ordinance 547, April 20, 2006)
4. Duplex Dwelling Means. (Added by Ordinance 558, June 3, 2008)
5. Child Care Facility. (Added by Ordinance 570, March 1, 2011)

### 7-200.4 Prohibited Uses and Structures (Amended, Deleting #2, and Renumbering, by Ordinance 547, April 20, 2006)

1. Dwelling units except as provided under "Permitted Accessory Uses and Structures" and "Conditional Uses."
2. Junk yards, wrecking yards.
3. Any use which the Board of Zoning Appeals, upon Appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

### 7-200.5 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions located in any C-2 District

1. Minimum lot area: 7,000 sq. ft.
2. Maximum lot coverage by all buildings 60%  
60 ft.
3. No building shall exceed forty (40) feet in height, except as provided in Section 12-400.

### 7-200.6 Minimum Yard Requirements

The basic yard regulations appearing below apply to all zone lots located within C-2 Districts.

Front Yard  
Side Yard  
Rear Yard

30 ft.  
10 ft.  
15 ft.

#### 7-200.7 Plot Plan Required

Within this district no building permit for the new construction of any building, or the addition to any building, shall be issued until a plot plan in compliance with Section 4-1200, has been approved by the planning commission.

### 7-300 C-3, OFFICE/PROFESSIONAL SERVICE DISTRICT

#### 7-300.1 Intent of District

These districts are designed to provide for transitional uses between more intensive commercial activities occurring along major traffic arteries and residential areas. The permitted uses are ones which tend to produce relatively low volumes of traffic. In addition to the office activities, certain community facilities are permitted which are compatible with other uses permitted within these districts. The intensity of use permitted within these districts is controlled by more restrictive regulation of the bulk of buildings consistent with their intended transitional function.

#### 7-300.2 Uses Permitted

##### 1. Permitted Principal Uses and Structures

- a. Finance, insurance, and real estate services.
- b. Office, studios, and clinics.
- c. Churches and mortuaries.
- d. Barber and beauty shops.

##### 2. Permitted Accessory Uses and Structures

On the same premises, and in connection with permitted principal uses and structures, dwelling principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

#### 7-300.3 Conditional Uses

1. Planned Development as regulated in Chapter 11.
2. Child Care Facility. (Added by Ordinance 570, March 1, 2011)

#### 7-300.4 Uses Prohibited

In the C-3, Office/Professional Service District, all uses, except those uses or their accessory uses specifically permitted are prohibited.

### 7-300.5 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new development, enlargements, extensions, or conversions located in any C-3 District

1. Minimum lot area 10,000 sq. ft.
2. Maximum lot coverage by all buildings 60 percent
3. No building shall exceed forty (40) feet in height, except as provided in Section 12-400.

### 7-300.6 Minimum Yard Requirements

The basic yard regulations appearing below apply to all zone lots located within C-3 Districts.

Front Yard	25 ft.
Side Yard	10 ft.
Rear Yard	15 ft.

### 7-300.7 Plot Plan Required

Within this district, no building permit for the new construction of any building, or the addition to any building shall be issued until a plot plan in compliance with Section 4-1200, has been approved by the planning commission.

## CHAPTER 8

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### SECTION

- 8-100 Industrial District
- 8-200 District Description
- 8-300 Uses Permitted
- 8-400 Uses Permitted as Conditional Uses
- 8-500 Uses Prohibited
- 8-600 Regulations Controlling Lot Area, Lot Widths, and Building Height
- 8-700 Parking Space Requirements

#### 8-100 INDUSTRIAL DISTRICT

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

- 8-100.1 To provide sufficient space, in appropriate locations, to meet the needs of Houston County and City of Erin expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
- 8-100.2 To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
- 8-100.3 To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this Ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- 8-100.4 To protect adjacent residential and commercial areas, and to protect the labor forces in other establishments engaged in less offensive types of industrial and related activities, which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.



- 8-100.5 To protect industrial activities and related developments against congestion, as far as is possible and appropriate, in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
- 8-100.6 To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Erin area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Erin's tax revenues.

## 8-200 DISTRICT DESCRIPTION

This district is designed for a wide range of industrial and related uses which are basically as compatible as possible with other types of land uses which this district may adjoin and which cause little off-site adverse impact. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

## 8-300 USES PERMITTED

In the I-1, Industrial District, the following uses and their accessory uses are permitted.

1. Food and kindred products manufacturing.
2. Textile mill products manufacturing.
3. Apparel and other finished products made from fabrics, leather, chemicals, lumber, wood, paper and similar materials manufacturing.
4. Furniture and fixtures and manufacturing.
5. Printing, publishing and allied industries.
6. Stone, clay, and glass products manufacturing.
7. Fabricated and primary metal products manufacturing including Ordinance and accessories.
8. Professional, scientific, electronic and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
9. Miscellaneous manufacturing including jewelry, rubber, plastics, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.
10. All types of wholesale trade.
11. Office functions only where it is directly related to the industrial establishment in which it is located.

12. Signs and billboards as regulated in Section 4-1300.
13. Warehouse, storage and truck terminal facilities.
14. Agricultural equipment sales and repair.
15. All public utilities including buildings, necessary structures, storage yards and other related uses.
16. Animal health facilities including veterinary clinics.
17. Building materials storage and sales.
18. Auto sales and service.
19. Gasoline and service stations.
20. Laundry and dry cleaning services.
21. Off-street parking lot.
22. Radio and television stations.
23. Automobile wrecking and salvage yards (in accordance with Section 4-2000.
24. Airports.
25. Solid waste disposal subject to the approval of the Houston County Health Department, Tennessee Department of Environment and Conservation and the Erin Board of Mayor and Aldermen.

#### **8-400 USES PERMITTED AS CONDITIONAL USES**

In the I-1, Industrial District, the following uses and their accessory uses may be permitted as conditional uses after review and approval in accordance with:

1. Restaurants and cafeterias where food is consumed on the premises inside the principal structure.
2. Convenience sales.
3. Planned developments as regulated in Chapter 11.

#### **8-500 USES PROHIBITED**

Uses not specifically permitted or uses not permitted upon approval as a conditional use.

#### **8-600 REGULATIONS CONTROLLING LOT AREA, LOT WIDTHS, AND BUILDING HEIGHT**

All uses permitted in the I-1, Industrial District, shall comply with the following requirements, except as provided in Chapter 4 and Chapter 12.

1. Minimum Lot Size

No minimum lot size is required in the I-1 District.

2. Minimum Yard Requirements

Front Yard Setback	35 ft.
Side Yard	20 ft.
Rear Yard	10 ft.

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total of such lot or parcel.

4. Height Requirement

No building shall exceed fifty (50) feet in height, except as provided in Section 12-400.

8-700 PARKING SPACE REQUIREMENTS

As regulated in Section 4-500.

## CHAPTER 9

### PROVISIONS GOVERNING FLOODPLAIN DISTRICTS

#### SECTION

- 9-100 Statutory Authorization, Findings of Fact, Purpose and Objectives
- 9-200 Definitions
- 9-300 General Provisions
- 9-400 Administration
- 9-500 Provisions for Flood Hazard Reduction
- 9-600 Variance Procedures
- 9-700 Legal Status Provisions

#### 9-100 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

##### 9-100.1 Statutory Authorization

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

##### 9-100.2 Findings of Fact

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

##### 9-100.3 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 flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **9-100.4 Objectives**

The objectives of this Ordinance are:

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

#### **9-200 DEFINITIONS**

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

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- (1) Accessory structures shall only be used for parking of vehicles and storage.
- (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, collapse, and lateral movement, which otherwise may result in damage to other structures.
- (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"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 or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

**"Area of Special Flood Hazard"** see **"Special Flood Hazard Area"**.

**"Base Flood"** means the flood having a one (1) percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

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

**"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"** see **"Structure"**.

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

**"Elevated Building"** means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

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

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

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

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Structures"** see **"Existing Construction"**.

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

**"Flood" or "Flooding"** 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 Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

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

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain"** or **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"Flood"** or **"Flooding"**).

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

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

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

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

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

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

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

**"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, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

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



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

**"Historic Structure"** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on the City of Erin, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - (a) By the approved Tennessee program as determined by the Secretary of the Interior or
  - (b) Directly by the Secretary of the Interior.

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

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

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

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

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

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

**"Mean-Sea-Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

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

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-Year Flood"** see **"Base Flood"**.

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

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**"Recreational Vehicle"** means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;
- (4) 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 Flood Hazard Area"** is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FFBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

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

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (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.

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

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

## **9-300 GENERAL PROVISIONS**

### **9-300.1 Application**

This Ordinance shall apply to all areas within the incorporated area of the City of Erin, Tennessee.

### **9-300.2 Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the City of Erin, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated October 19, 2010 and Flood Insurance Rate Map (FIRM), Community Panel Number 47083 0053D, dated, October 19, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

### **9-300.3 Requirement for Development Permit**

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

### **9-300.4 Compliance**

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

### **9-300.5 Abrogation and Greater Restrictions**

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

### **9-300.6 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 Tennessee statutes.

### **9-300.7 Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Erin, 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.

### **9-300.8 Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Erin, Tennessee from taking such other lawful actions to prevent or remedy any violation.

## **9-400 ADMINISTRATION**

### **9-400.1 Designation of Ordinance Administrator**

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

### **9-400.2 Permit Procedures**

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

#### **1. Application Stage**

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Article IX, Section 9-400.3 (2).
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**9-400.3 Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IX, Subsection 9-400.2.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IX, Subsection 9-400.2.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IX, Subsection 9-400.2.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Erin, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **9-500 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **9-500.1 General Standards**

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring 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 and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article IX, Subsection 9-500.2;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

#### **9-500.2 Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article IX, Subsection 9-500.1, are required:

##### **1. Residential Structures**

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall



have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article IX, Section 9-200 ). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

## 2. Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article IX, Section 9-200). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IX, Subsection 9-400.2.

## 3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 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. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article IX, Subsection 9-400.2.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article IX, Section 9-400.2).
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article IX, Subsection 9-400.2.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - iii. The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article IX, Section 9-500).

**9-500.3 Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section 9-300, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered

professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Erin, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article IX, Section 9-500.

**9-500.4 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Special Flood Hazard Areas established in Article IX, Section 9-300, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article IX, Subsection 9-500.2.

**9-500.5 Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article IX, Section 9-300, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article IX, Section 9-300.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article IX, Section 9-500). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IX, Section 9-400. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article IX, Subsection 9-500.2.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Erin, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article IX, Section 9-500. Within approximate A Zones, require that those subsections of Article IX, Subsection 9-500.5, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

#### **9-500.6 Standards for Areas of Shallow Flooding (AO and AH Zones)**

Located within the Special Flood Hazard Areas established in Article IX, Subsection 9-500.3, 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, in addition to those set forth in Article IX, Section 9-500, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article IX, Section 9-500.
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IX, Section 9-500.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

#### **9-500.7 Standards for Areas Protected by Flood Protection System (A-99 Zones)**

Located within the Areas of Special Flood Hazard established in Article III, Subsection B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IX, Sections 9-400 and 9-500, shall apply.

#### **9-500.8 Standards for Unmapped Streams**

Located within the City of Erin, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Article IX, Section 9-400.

### **9-600 VARIANCE PROCEDURES**

#### **9-600.1 Municipal Board of Zoning Appeals**

##### **1. Authority**

The City of Erin, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

##### **2. Procedure**

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

##### **3. Appeals: How Taken**

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the

provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- i. The City of Erin, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- ii. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- iii. In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - (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 use;
  - (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;
  - (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, water systems, and streets and bridges.
- iv. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
  - v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### **9-600.2 Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article IX, Subsection 9-600.1.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.



9-700 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 of the City of Erin, Tennessee, the most restrictive shall in all cases apply.

B. Severability

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

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Erin, Tennessee, and the public welfare demanding it.

## **ORDINANCE No 610**

**AN ORDINANCE TO ADOPT THE INTERNATIONAL BUILDING CODE 2015 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION; THE INTERNATIONAL PLUMBING CODE, 2015 EDITION; THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION; AND THE MODEL ENERGY CODE, 2015 EDITION, INTERNATIONAL FUEL GAS CODE, 2015 EDITION; BY REFERENCE.**

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF ERIN, TENNESSEE, THAT:

SECTION 1: Pursuant to authority granted by Tennessee Code Annotated 6-54-501 through 506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, the International Building code, 2015 edition; the International Residential Code, 2015 edition; the International Property Maintenance Code, 2015 edition; the International Plumbing Code, 2015 edition; the International Mechanical Code, 2015 edition; and the Model Energy Code, 2015 Edition, as prepared and maintained by the International Code Council are hereby adopted and incorporated by reference as a part of this Code, and are hereafter referred to as the International Building Codes.

SECTION 2: Definitions. Whenever in the International building codes reference is made to the duties of a certain official named therein, that designated official of the City of Erin who has duties corresponding to those of the named official in said codes shall be deemed to be the responsible official insofar as enforcing the provisions of the International Building codes.

### **SCHEDULE OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION FEES**

Total Valuation	Fee
\$1,000 and less	No fee, unless inspection is required, in which case a \$15 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000	\$260.00 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,000 to \$500,000	\$460 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,000 and up	\$1,660.00 for the first \$500,000 plus \$2.00 for each additional thousand or fraction thereof.

#### **PLAN-CHECK FEES**

When the valuation of the proposed construction exceeds \$1,000 and a plan is required to be submitted, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth. Such plan-checking fee is in addition to the building permit fee.

#### **MOVING FEE**

For the moving of any building or structure, the fee shall be \$100.

#### **DEMOLITION FEE**

For Demolition of any building or structure, the fee shall be \$50.

## INTERNATIONAL PLUMBING CODES – PLUMBING PERMIT FEES

Permits	Fee
Residential Plumbing Permit Fee (If not included with a building permit fee)	\$ 25.00
Commercial Plumbing Permit Fee (If not included with a building permit fee)	\$ 50.00

## INTERNATIONAL MECHANICAL PERMIT FEES

Permits	Fee
Residential	\$ 25.00
Commercial	\$ 50.00

### PENALTIES

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

SECTION 3: Chapters 34 thru 43 of the International Residential Codes are excluded. No appendices are to be adopted under the International Building code or the International Residential Code.

SECTION 4: The following provisions are hereby revised:

*International Residential Code, 2015 edition;*

Chapter 3, Section R313. Automatic Fire Sprinkler Systems:

- a. Fire sprinkler systems are not required in one (1) and two (2) family dwellings or three (3) unit town houses that are less than 5000 square feet; three (3) stories or less; and separated by two (2) firewalls.
- b. In the event the automatic sprinkler system is requested, the system shall be designed and installed in accordance with NFPA 13D or Dwelling Unit Fire Sprinkler System.

*International Property Maintenance Code, 2015 edition;*

Chapter 3, Section 303. Exterior Property Area

- a. All premises and exterior property shall be maintained free from weeds or weeds or plant growth in excess of twelve (12) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.
- b. Grasslands are exempt from any height limitation where property is zoned agricultural that are used for pasture and/or garden purposes.

SECTION 4: Pursuant to the requirements of T.C.A. §6-54-502 one (1) copy of each of the international building codes have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

SECTION 5: It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Codes as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty (\$50) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

SECTION 5: This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1<sup>st</sup> Reading: May 2, 2017

Public Hearing: June 6, 2017

Passed 2<sup>nd</sup> Reading: June 6, 2017

APPROVE: \_\_\_\_\_  
Paul Bailey - Mayor

ATTEST: \_\_\_\_\_  
Angie Neilson - Recorder