

LAST AMENDED: FEBRUARY 18, 2020

ZONING

ORDINANCE

RIDGETOP,

TENNESSEE

THE ZONING ORDINANCE

OF

RIDGETOP, TENNESSEE

**THE ZONING ORDINANCE
OF
RIDGETOP, TENNESSEE**

ORDINANCE NO. 95-34

ADOPTED: MARCH 21, 1995

LAST AMENDED: FEBRUARY 18, 2020

**Prepared for the Members of the
Ridgetop Municipal Planning Commission**

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AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
March 17, 1998	98-70	Amended Article V, by Adding New Subsection 5.051.3, <u>R-1B, Medium Density Residential District</u> , by Ordinance No. 98-70, March 17, 1998, Then 5.051.3, Becomes 5.051.4, 5.051.4, Becomes 5.051.5, in Renumbering.
March 16, 1999	98-95	Amended Article VII, by Adding New Subsection 7.041, <u>Temporary Dwelling Units in Cases of Medical Hardships</u> .
March 21, 2000	99-99	Amended Article II, Section 2.020, <u>Definitions</u> , by Adding Commercial Kennel.
March 21, 2000	99-99	Amended Article V, Subsection 5.051.1, <u>R-1A, Low-Density Residential Agricultural District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
March 21, 2000	99-99	Amended Article V, Subsection 5.051.2, <u>R-1, Low-Density Residential District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
March 21, 2000	99-99	Amended Article V, Subsection 5.051.3, <u>R-1B, Medium-Density Residential District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
March 21, 2000	99-99	Amended Article V, Subsection 5.051.4, <u>R-2, Medium-Density Residential District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
March 21, 2000	99-99	Amended Article V, Subsection 5.051.5, <u>R-3, High-Density Residential District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
March 21, 2000	99-99	Amended Article V, Subsection 5.052.1, <u>C-1, General Service District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
March 21, 2000	99-99	Amended Article V, Subsection 5.053.1, <u>L-1, Light Industrial District</u> , Subpart D, <u>Uses Prohibited</u> , by Adding commercial kennels.
June 18, 2002	2002-101	Amended Article V, Subsection 5.051.5, <u>R-3, High-Density Residential District</u> , Subpart E, <u>Dimensional Regulations</u> , by adding to the language.
February 19, 2002	2002-102	Amended Article V, Subsection 5.053.1, <u>L-1, Light Industrial District</u> , Subpart E, <u>Dimensional Regulations</u> , by adding to the language.

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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
April 19, 2005	2005-101	Article VII, Section 7.090, is hereby amended by the creation of Subsection 7.092.
July 19, 2005	2005-105	Article II, Section 2.020 Definitions, hereby amended by omitting certain language in the definition for Portable Sign. Article IV, Section 4.070(C)5, is hereby amended by omitting subsections f, g, and h, and rewording subsection e.
June 20, 2006	2006-104	Article V, Section 5.052.1, C-1, <u>General Service District</u> is hereby amended by omitting existing language and replacing it.
June 20, 2006	2006-105	Article IV, Section 4.040, <u>Customary Incidental Home Occupations</u> , is hereby amended by omitting existing language and replacing it.
June 20, 2006	2006-106	Article IV, Section 4.015(D), <u>Requirements for Design of Parking Lots</u> , is hereby amended by omitting existing language and replacing it.
August 15, 2006	2006-109	Article II, Section 2.020, <u>Definitions</u> , is hereby amended by omitting the existing language and replacing it.
November 20, 2007	2007-111	Article VII, Subsection 7.092, <u>Application for Rezoning</u> , is hereby amended by the replacement of certain language with the words "at least ten (10) business" in Step #7.
January 15, 2008	2007-114	Article V, Section 5.01.2, R-1, Low Density Residential District, is hereby amended by the addition of new language.
April 15, 2008	2008-101	Article II, Section 2.020, Definitions is hereby amended by omitting the definition of Sign, Billboard, or Other Advertising Device, in its entirety and replacing with new definition called SIGN. Article IV, Section 4.070 Standards for Signs, Billboards, and Other Advertising Structures, is hereby amended by omitting the section in its entirety and replace with new.
May 20, 2008	2008-103	Article V, Section 5.070, Floodplain District Regulations, Added as new Section.
July 15, 2008	2008-108	Article VI, Section 6.020, Nonconforming Uses, Amended Subpart C, Discontinuance, Deleted and Replaced Text.

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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
September 16, 2008	2008-111	Article VII, Section 7.070, Subpart C, Addition of new Text.
August 16, 2011	2011-102	Article VII, Section 7.092, 7, Addition of new Text.
February 21, 2012	2012-100	Article III, Section 3.100, F, Addition of new Text; Article VI, Addition of new Section 6.070
October 16, 2012	2012-108	Article IV, Section 4.030, F, Addition of new Text
September 15, 2015	2015-107	Article V, Section 5.052.1, C-1, General Service District, Subpart B, 9, addition of letter c.
November 17, 2015	2015-109	Article III, Section 3.120, Site Plan Requirements, Subpart A, Addition of Text.
February 16, 2016	2016-101	Article V, Section 5.051.2, R-1, Low-Density Residential District, Subpart E, 1, Deleted and Replaced Text.
May 17, 2016	2016-105	Article III, Section 3.140, Stream and Surface Drainage, Addition of Subpart A label to existing provision, and Addition of Subpart B.
June 21, 2016	2016-106	Article II, Section 2.020, Definitions, Deleted definition of 'Zoning Permit' and Replaced with new definition, Deleted definition of 'Right-of-Way'; Article III, Section 3.090, Access Control, Subpart C, Deleted in entirety and Replaced with new Text; Article VII, Section 7.050, Certificates of Occupancy, Deleted in entirety and Replaced with new section titled Zoning Permits and Certificates of Occupancy.
January 17, 2017	2016-116	Article V, Section 5.070, F-1, Floodplain District, Subpart 5.072, Amended text for multiple definitions, Subpart 5.073, B, Amended text for effective flood panels and studies dates, Subpart 5.074, B, 2, Amended text for Construction Stage and C, 9, Duties of the Administrator, 5.075, B, 1 & 2, and G, Amended text for Flood Hazard Reduction provisions.
April 17, 2018	2018-101	Article V, Section 5.051.3, Subpart E, #2, amended minimum front setback requirements

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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
February 18, 2020	2020-101	ART II, Section 2.020, Definitions, Amended text for 'Agricultural Use' and 'Agricultural Accessory Use'
		ART III, Section 3.100, Accessory Use Regulations, amended text in Subpart E.

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ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

1.010 AUTHORITY

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

1.020 TITLE

This ordinance shall be known as **The Zoning Ordinance of Ridgetop, Tennessee, Ordinance No. 95-34, dated, March 21, 1995**. The zoning map shall be referred to as the **Official Zoning Map of Ridgetop, Tennessee**, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 ENACTMENT

WHEREAS, Section 13-7-201 through 13-7-401, of the Tennessee Code, empowers the city to enact a zoning ordinance and to provide for its administration enforcement, and amendment, and

WHEREAS, The Ridgetop Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the city to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-401, of the Tennessee Code, with regard to the preparation of the zoning plan by the Planning Commission and subsequent action of the City Board have been met;

NOW THEREFORE BE IT ORDAINED BY THE CITY BOARD THAT THE ZONING ORDINANCE OF RIDGETOP, TENNESSEE, BE ENACTED INTO LAW.

1.040 PURPOSE

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

- a. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing the overcrowding of land;
- c. conserving the value of land and buildings;
- d. minimizing traffic hazards and congestion;
- e. preventing undue concentration of population;
- f. providing for adequate light, air, privacy, and sanitation;
- g. reducing hazards from fire, and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public sector, including, but not limited to roads, water service, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land; and
- j. enhancing the natural, man-made and historical amenities of Ridgetop, Tennessee.

ARTICLE II
DEFINITIONS

SECTION

- 2.010 Scope
- 2.020 Definitions

2.010 SCOPE

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

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

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary 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 that is incidental and detached from the principal building and is 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.

ADULT-ORIENTED ESTABLISHMENT: Any businesses or activities as defined by Sections 7-51-1101 thru 7-51-1121, of the Tennessee Code.

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 or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See definition for SIGN.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Ridgetop, Tennessee, shall be complied with, as defined by Title 43, Chapter 26 of the Tennessee Code. Additionally, per Section 13-7-114 of the Tennessee Code, this Ordinance shall not be construed as authorizing the requirement of building permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands devoted to agricultural uses or which may hereafter be used for agricultural purposes.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered. **(Amended by Ordinance 2020-101, February 18, 2020)**

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses. For purposes of this definition, buildings located on lands used for agricultural enterprises are considered incidental and exempt from this Ordinance, per Section 13-7-114 of the Tennessee Code. **(Amended by Ordinance 2020-101, February 18, 2020)**

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 minor 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 area taken on a horizontal plan at the main grade level, of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: Having a common wall with another building, as opposed to detached (see DETACHED).

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found. (See definition for JUNK YARD or SALVAGE YARD.)

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 elevations or when subdivided and used for commercial activities.

BED AND BREAKFAST HOMES OR RESIDENCES: A house, or portion, thereof, where breakfast and sleeping rooms are provided. (See ARTICLE VII, SECTION 7.060, G.)

BOARD: The Ridgetop, Tennessee, Board of Zoning Appeals.

BOARDING HOUSE: See definitions for Dwelling.

BUFFER STRIP: A visual screen comprised of planted material and/or fencing affording visual privacy and sight relief between properties of dissimilar uses and/or character of buildings. Visual privacy shall include screening from automobile headlights, trash concentrations, vehicular parking, traffic, and elevated yard lights. (See definition also for SCREENING and LANDSCAPING.)

BUILDING: A structure having a roof supported by columns or by walls for shelter, support, or enclosure of persons for use or occupancy (see definition also for STRUCTURE.)

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

BUILDING CODE: The various codes of the City of Ridgetop, Tennessee that regulate construction and require building permits such as electrical permits, mechanical permits, plumbing permits, and other permits to do work pertaining to building and building regulation.

BUILDING INSPECTOR: The building inspector and/or zoning administrator for the City of Ridgetop, Tennessee.

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 existing street right-of-way, or if an official future street right-of-way has been established as shown on an adopted Major Thoroughfare

Plan Map, 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.

BULK: Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

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

CITY BOARD: The Board of Mayor and Aldermen of Ridgeway, Tennessee.

CLINIC: See definition for MEDICAL FACILITY.

COMMERCIAL KENNEL: A facility where more than five (5) domestic animals are kept, boarded, or maintained for commercial purposes.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee; a land use classification that permits facilities for the buying and selling of commodities and services; the purchase, sale, or transaction involving the disposition of any article, substance, commodity or service.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses, only when specific provisions for such uses are made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with Special Exceptions, as controlled by Section 13-7-206, Tennessee Code. (See also definition for SPECIAL EXCEPTION.)

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 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.

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, dining facilities, lounge.

DAY CARE (FAMILY) HOME (5-7 CHILDREN): A home operated by any person who receives therein for pay five (5) to seven (7) children, under seventeen (17) years of age, who are not related to such person and whose parents or guardians are not residents in the same house, less than twenty-four

(24) hours per day for care, without transfer of custody. To operate a "family day care home", all required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

DAY CARE (GROUP) (8-12 CHILDREN): Any facility operated by a person which receives a minimum of eight (8) and a maximum of twelve (12) children (and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation) for less than twenty-four (24) hours per day for care outside their own homes, without a transfer of legal custody. To operate a "group day care home", all required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

DAY CARE (CENTER) (13 OR MORE CHILDREN): Any agency (defined as "day care center", in the law) operated by a person, society, agency, corporation, institution, or religious organization or any other group which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody. To operate a "child care center", all required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

DETACHED: not having a common wall with another building, not connected.

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

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 family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.

- c. Apartment dwellings means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters. This includes triplexes and quadruplexes.
- d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (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 two-story residential structure containing three (3) or more single non-detached 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 family living accommodation.
- h. Multi-family means a townhouse or apartment dwelling.
- i. Triplex dwelling means three (3) units designed for use by three families located on the same tract (zoned lot).
- j. Quadruplex dwellings means four (4) units designed for use by four (4) families located on the same tract (zoned lot).
- k. Manufactured home means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditions, and electrical systems contained, therein.

Manufactured residential dwellings shall have the same general appearance as required for a site built home. (Tennessee Code, 13-24-202)

Moreover, such single-detached dwelling must be tagged by the Tennessee Department of Commerce and Insurance, as a **modular home** (such dwelling having a **green tag** attached thereto). Any single-detached dwelling being tagged by the Tennessee Department of Commerce and Insurance, as a **mobile home** (such dwelling having a **red tag** attached, thereto) shall be regulated by this ordinance as a mobile home, and not as a prefabricated dwelling.

- l. Mobile home means a vehicular portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.
- m. Zero lot line dwelling means a building or structure containing two (2) units (duplex), each unit being located on its own zoned lot in separate ownership.

EASEMENT: The right given by the owner of land to another party (either public or private) for a specific limited use of that land.

Easement, Vehicular: The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one (1) parcel of land to another.

Easement, Utility: The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.

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 non-profit 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. The term family as used herein shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as housekeepers or guardian residing within the house. (See Chapter 24, of Title 13, Tennessee Code.)

FEEDLOT: Any tract of land or structure, pen, corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FENCE: An enclosure or barrier around or along a field, yard, swimming pool, dwelling, or other structure.

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 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 Robertson or Davidson 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.

HOME OCCUPATION: See ARTICLE IV, Section 4.040.

HOSPITAL: See Medical Facilities.

INDUSTRIAL USE: A use including resource extraction, manufacturing, warehousing and storage facilities, distribution, shipping, and other related uses (see also definition of LIGHT INDUSTRY) .

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 metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts, thereof. (See definitions, Automobile Wrecking, Junk Yard, and Salvage Yards.)

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

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

LANDSCAPE TREATMENT: The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another. (See definitions, BUFFER STRIP and SCREENING.)

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

LOADING SPACE: An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance provided 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 adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT COVERAGE: That portion of a zone lot which when viewed directly from above, could be covered by a building or structure or any part of such building or structure (this includes all allowed accessory uses).

LOT, DEPTH: The average distance from the street right-of-way 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. Regarding noncomplying lots of record see ARTICLE VI, Section 6.040.

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

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 the 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.

MINI-STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property, with no commercial transactions other than the rental of the storage units.

MOBILE HOME: See DWELLING - Mobile Home.

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 facilities or equipment, thereof.

MOTOR VEHICLE: (See definitions, City Code, 9-701.)

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 or substance 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.

OVERALL DENSITY: The residential density, stated in dwelling units per acre of any total lot, or development area.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and/or 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 accessory to such spaces, as well as to all necessary entrances and exits.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than one hundred-sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two (2) buildings; such walls shall extend from the foundation to the underside of the roof sheathing, without openings which otherwise would permit the spread of fire from one building to another, and shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNING COMMISSION: The Ridgetop Municipal Planning Commission.

PLANNED DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park and/or the common dedication of servicing cross-easements, and (2) is designed and organized to be

capable of satisfactory use and operation as a separate entity without necessarily having the participation and aid of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments consist of relatively large interrelated developments located on a sewerred single tract of land. Cluster developments and mixed use developments of all types are planned unit developments. Many shopping centers of various types fall under this definition of planned development.

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

PORTABLE BUILDING: Any building which is designed to be or is portable, and which is mounted on a vehicle, trailer, or similar structure, with or without wheels, and is not permanently embedded in or anchored to the ground. Portable buildings must conform to wind load and electrical requirements, as well as other applicable provisions of the codes and ordinances enforced by the City of Ridgetop, and must be anchored or supported to guard against the effects of wind.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure, shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with each meeting any yard requirement.

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

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

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES: Public parks, schools, and administrative, cultural, and services buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials; a use conducted by, or a facility or structure owned or managed by the local government or any government entity that provides a governmental function, activity, or service for public benefit.

PUBLIC WASTE WATER SEWERAGE SYSTEM: A municipal, community, or utility district sewerage treatment and/or disposal system of a type approved by the State Department of Conservation 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 Conservation and Environment and the Public Service Commission.

REQUIRED YARD: That portion of a zone lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RESIDENTIAL USE: A use designated for the sole purpose of providing for residential occupancy (see also definition of DWELLING).

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and/or 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 Conservation and Environment.

SCREENING: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features. (See definition for BUFFER STRIP and LANDSCAPING.)

SELF-SERVICE STORAGE FACILITIES: Means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property; provided, however, that the term "self-service storage facility", shall not include any real property used for residential purposes.

SEMI-PUBLIC USE: A use conducted by, or a facility or structure owned or operated by a non-profit, religious, governmental, academic, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of services.

SETBACK: The required minimum horizontal distance between the building line and the related front, side, or rear property line.

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: 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. This definition does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Specific sign definitions and their requirements are located in ART IV, Section 4.070, of this Ordinance.

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

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Ridgeway Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions set forth herein. (See ARTICLE VII, Section 7.060.)

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, or if it is used for commercial purposes.

STREET: A publicly or privately maintained right-of-way, other than an alley, which affords a primary means of access to abutting property. The word "street" shall include streets, avenues, boulevards, roads, lanes, and other ways. It is designed to constitute, the main access to more than one lot, and which has been legally dedicated and accepted for public use.

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

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 improvements; or (2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure or not. 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 is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

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

TRAVEL TRAILER PARK: A 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.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above is ten (10) acres or more in extent, provided that it shall, upon the rule or order of the planning commission also include other generally or specifically designated areas. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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, between the front yard and the rear yard on both sides of the principal building.

ZONING ADMINISTRATOR: The Building Inspector and/or Zoning Administrator for the City of Ridgetop, Tennessee.

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

ZONE LOT: For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is at least of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

ZONING MAP: A map or series of maps and special overlays (the official copy being maintained by the City Recorder) showing districts and special districts that are established under the provisions of, and are thereby, a part of this ordinance.

ZONING PERMIT: A written permit issued by the building inspector and/or zoning administrator, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot and may be construed the same as a building permit required by the standard building code.
(Amended by Ordinance 2016-106, June 21, 2016)

ARTICLE III
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Rear Yard Abutting a Public Street
- 3.050 Corner Lots
- 3.060 Future Street Lines
- 3.070 Reduction in Lot Area Prohibited
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Site Plan Requirements
- 3.130 Solar Orientation
- 3.140 Stream and Surface Drainage

3.010 SCOPE

For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot. This provision does not prohibit apartments, multi-family dwellings mobile home parks or other similar complexes.

3.030 LOT MUST ABUT A PUBLIC STREET

No building shall be issued and no building shall be erected on any lot or tract within the city, unless: the lot or tract fronts upon a public street;

The lot or tract fronts upon a street **shown or a plat** approved by the planning commission;

The lot or tract fronts upon a street **shown or a street plat** approved by the planning commission;

The lot fronts on a permanent public easement for fifty (50) feet or a permanent private easement for thirty (30) feet, so long as the permanent public or private easement has access to an existing highway, street, thoroughfare, or way. This section shall not apply to properties abutting a cul-de-sac. When a public or private permanent easement to a public maintained street is used as access to a lot or tract of land having been separated by deed from other acreage, such easement shall not be used to provide access to any addition lots or tracts, unless the developer declares the development a subdivision or constructs the street to meet Ridgetop's Subdivision Regulations requirements and dedicates the street or streets to the city.

3.040 REAR YARD ABUTTING A PUBLIC STREET

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

3.050 CORNER LOTS

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

3.060 FUTURE STREET LINES

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the rights-of-way as shown on the most current official **Ridgetop, Tennessee, Major Thoroughfare Plan**.

3.070 REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that its yard, lot area per family, lot width, and building area requirements, or any other related 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.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTIONS PROHIBITED

On a corner lot in any district within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their 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 necessary retaining wall.

3.090 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 for all residential, retail, and commercial services land uses. All points of access shall be so constructed as to provide for proper drainage of property and public street. A minimum of a eighteen (18) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.

- B. There shall be no more than two (2) points of access to any one 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 public street.
- C. The minimum distance for any driveway opening on a corner lot shall be twenty-five (25) feet from the intersection of street right-of-way lines at the right-of-way line. On collectors or arterials this minimum shall be forty (40) feet. **(Amended by Ordinance 2016-106, June 21, 2016)**
- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the building inspector and/or zoning administrator, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways 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 Ridgetop Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking spaces shall be permitted where the arrangement would require that vehicles back directly onto a public street.

3.100 ACCESSORY USE REGULATIONS (Amended by Ordinance 2012-100, February 21, 2012; Ordinance 2020-101, February 18, 2020)

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.
- E. Total accessory uses in residential areas shall be limited in their size. An accessory use on any lot shall be limited to no more than one-half the size of its principal (living space) use on such lot, except for lots located in the R-1A, Low-Density Residential-Agricultural district, where the accessory structure may exceed the above-stated limit but no greater than two times the size of the principal structure.
- F. No accessory building or structure shall be located closer than five (5) feet from any adjoining property line. See SECTIONS 3.040 and 3.050, for other related setback requirements and SECTION 6.070 regarding exceptions.

3.110 BUFFER STRIPS

Where a use is established in areas zoned nonresidential (Commercial and Industrial) which abuts at any point upon property zoned residential (R-1A, 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 to the adjacent residential use. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a four (4) foot metal, mesh fence, or wall or appropriate type designed to confine any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Zoning Appeals.

3.120 SITE PLAN REQUIREMENTS

- A. Four (4) copies of proposals and a digital PDF or PDF/A formatted proposal and/or plat with layers intact to be sent via email or submitted on a USB stick to the City Clerk, for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings), shall be submitted to Ridgetop City Hall no later than fifteen (15) days prior to the upcoming planning commission meeting 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, fire hydrants, 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, landscape treatment, the number of dwelling units per acre if applicable, and all required building setbacks and other yard requirements. **(Amended by Ordinance 2015-109, November 17, 2015)**
- B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, SECTIONS 4.070 and 4.080.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Ridgetop Municipal Planning Commission.
- D. All plot plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee, to perform such design service as is required above.
- E. Performance bonds for plot plans shall be provided according to the following provisions:
 - 1. All plot plans presented for review and approval to the Ridgetop Municipal Planning Commission shall present the planning commission a performance bond for improvements shown on the site in the amount of one hundred and twenty (120) percent of cost of said improvements.
 - 2. Said improvements shown on the plot plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, water extensions or connections, tiles, culverts, drainage ways including catch basins, or any other improvements required by the planning commission before the plot plan is approved.

3. The performance bond must be payable to the Ridgetop Board of Mayor and Aldermen.
4. The performance bond must be retained for a period of one (1) year from the approval date of the plot plan. If improvements have been made within the one (1) year period, the board may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Ridgetop Board of Mayor and Aldermen shall retain and cash the performance bond to facilities the completion of such improvements.

3.130 SOLAR ORIENTATION

Solar orientation devices shall be subject to the setback affecting dwellings, buildings, and other major improvements. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than twenty (20) degrees from the north/south axis. There shall be no solar device between the front yard setback line and the principal structure.

3.140 STREAM AND SURFACE DRAINAGE (Amended by Ordinance 2016-105, May 17, 2016)

- A. Whenever any stream or important surface drainage course is located in any area, owner or owners shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream and shall not alter the course of the stream in any way, except with the approval of the planning commission. Due regard shall be shown for all natural features, such as large trees and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and property value to the community.
- B. All site developments shall include design of the surface water post-developed flows to be equal to or less than those in the pre-developed conditions. Those flows shall be calculated using the 2-10 & 25 year rain events, 24-hour storm events as defined by NOAA for this area.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Fall-Out Shelter Restrictions
- 4.060 Gasoline Service Station Restrictions
- 4.070 Standards for Signs, Billboards, and Other Advertising Structures
- 4.080 Development Standards for Mobile Home Parks
- 4.090 Development Standards for Automobile Wrecking, Junk and Salvage Yards

4.010 OFF-STREET PARKING REQUIREMENTS

Off-street automobile 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:

- A. **Single-Detached Dwelling and Duplex**: Not less than two (2) spaces for each dwelling unit.
- B. **Apartment Dwelling**: Not less than two (2) spaces per dwelling unit.
- C. **Boarding Houses and Rooming Houses**: Not less than one (1) space for each (1) room to be rented.
- D. **Townhouse and Condominium**: Not less than two (2) spaces per dwelling unit.
- E. **Other Dwelling Units**: Not less than two (2) spaces per dwelling unit.
- F. **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 employee.
- G. **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 all 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.

- H. **Manufacturing, Industrial or Wholesaling Use:** Not less than one (1) space for each two (2) 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.
- I. **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 parking space for each five hundred (500) square feet of floor space (or fraction thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection, plus one (1) parking space per each employee.
- J. **Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space.
- K. **Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- L. **Service Stations:** Not less than five (5) spaces for grease rack and/or service bay, or one (1) space for each fourteen hundred (1,400) square feet of lot area or fraction thereof, whichever is greater. Both sides of an island containing gasoline pumps shall be considered as service bays.
- M. **Restaurants:** Not less than one (1) space per one hundred fifty (150) square feet of gross floor area, plus one (1) space for each employee. For drive-in restaurants, one (1) space per one hundred (100) square feet of gross floor area, plus one (1) space for each employee.
- N. **Shopping Centers:** Seven (7) parking spaces per each one thousand (1,000) square feet of gross floor area.
- O. **Other:** For buildings and uses not listed, the off-street parking requirements shall be determined by the Ridgetop Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

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

4.012 Combination of Required Parking Spaces

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to

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

4.013 Remote Parking Spaces

If the off-street parking spaces 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.

4.014 Extension of Parking Area into a Residential District

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

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

4.015 Requirements for Design of Parking Lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- B. Each parking space shall be no less than one hundred-sixty-two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of SECTION 3.090, of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water. All parking lots shall be constructed of a dust-free hard surface such as asphalt or concrete. All parking spaces shall be clearly marked.
- E. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty (45) degree angled parking spaces there shall be a minimum parking aisle of (16) feet in width.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public 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:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See ARTICLE II, for Definition)</u>
0 to 4,999 sq. ft.	One (1) space
5,000 to 20,000 sq. ft.	Two (2) spaces
Over 20,000 sq. ft.	One (1) space for each additional 20,000 sq. ft.

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

4.030 TEMPORARY USE REGULATIONS (Amended by Ordinance 2012-108, October 16, 2012)

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 and/or zoning administrator. 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 use are deemed to be temporary uses and shall be subject to the specific regulations of any district in which such use is located:

- A. **Carnival or Circus**: May obtain a temporary use permit in the R-1A or I-1 Districts; however, such permit shall be issued for a period of not longer than ten (10) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. **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.
- C. **Temporary Buildings**: In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) 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.
- D. **Religious Tent Meetings**: In any district, a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

- E. **Temporary Dwelling Unit in Cases of Special Hardship:** In any residential district, a temporary use permit may be issued to place a mobile home temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such temporary placement 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 White House Utilities System and the Robertson County Health Department, 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.
- F. **Seasonal Fireworks Sales:** Limited to properties located on Hwy 41 within any zoning district with an approved roadway access point and areas for adequate off-street parking, seasonal firework sales are permitted meeting the review and permit procedures of the City of Ridgetop's Municipal Code to be sold during the dates of the July 4th and New Years Day Holidays as defined in the City's Municipal Code.

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A home occupation is a limited activity conducted on premises that in no way alters the residential character of the structure. A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. No detached accessory structures shall be utilized for home occupations described herein. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations," all other uses that are not considered under one of these classifications is prohibited under these regulations.

A. **Minor Home Occupations**

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber and beauty shops, auto repair, or any similar use shall not be considered as minor home occupations. Due the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pickups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the Board of Zoning Appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

4.050 FALL-OUT SHELTER RESTRICTIONS

Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Ridgetop Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two (2) or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than thirty-five (35) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, SECTION 4.070, shall be met.

4.070 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURE

4.071 Intent and Objectives

1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- b. assure proper exposure of signs to their intended viewers;
- c. protect the right of individuals to privacy and freedom from nuisances;
- d. protect the value of property and improvements thereon;
- e. permit signs that are constructed and maintained in a safe condition;
- f. assure that signs are constructed and maintained in a safe condition;
- g. encourage design that enhances the readability and effectiveness of signs;
- h. encourage appropriate signage along the Hwy 41 corridor within the corporate limits of Ridgetop, Tennessee;
- i. prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- j. reduce traffic hazards;
- k. eliminate obsolete signs;
- l. provide an efficient and effective means of administration and enforcement.

2. Scope

Except for signs that are prohibited in all districts in Subsection 4.074, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

3. Protection of First Amendment Rights

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

4.072 Supplementary Definitions

The following definitions are to be used for interpreting the provisions of this **article only**. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in ARTICLE II, of this ordinance.

Abandoned Sign: Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Accessory Sign: Any sign that directs attention to a person, activity, or commodity on the same zone lot.

Animated Sign: A sign that is animated, moving, rotating or appears to be animated, moving or rotating, whether by machine or by hand.

Awning: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

Banner Sign: A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

Billboard: See off-premise sign.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or Plexiglas.

Building Mounted Sign: Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

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

Canopy Sign: A sign attached to a canopy.

Copy: The characters, letters, or illustrations displayed on a sign face.

Changeable Copy Sign: A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

Civic Sign: A type of accessory sign that identifies or provides related information about community facility activity types.

Development Sign: A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Direct Illumination Sign: All illuminated signs not included in the definition of "Sign", Luminous Background" or "Sign", Indirect Illumination".

Directional Sign: Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name.

Directory Sign: A sign which lists the names of individuals, businesses, or products available at a single site.

Electronic Message Sign: A sign with a message composed of a series of lights that can be changed through electronic means. Signs that display messages such as business hours, time and temperature, or other similar information that pertains to basic business operation are permitted, provided that they are programmed for no less than ten (10) second intervals. Signs that display messages that scroll, flash, change colors, or use caricature animation are prohibited.

Expressive Sign: Any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. An expressive sign may be incidental, temporary, or permanent.

Freestanding (Ground) Sign: Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

Frontage, Building: The length of a building that faces a street, parking area, or private drive.

Hand tacked (Snipe) Sign: A temporary advertising sign commonly attached, tacked, hung, pasted, glued, or suspended from any available structure, usually intended to announce an upcoming event, activity, or other such temporary notice, i.e., music performance, garage sale, or church bazaar. These signs can consist of a variety of materials such as posterboard, plastic, metal, wood, balloons, or a combination, and with handcrafted or professional print.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Incidental Sign: An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

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

Large Residential Sign: A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

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

Mansard Sign: An inclined, decorative roof-like projection that is attached to an exterior building façade which doesn't exceed the roofline. Also, a type of ground sign designed to match the building's appearance, particularly the roof.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Monument Sign: A freestanding ground sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign. Monument signs are supported by an internal structural framework or integrated support into landscaping or other solid structural features other than support poles.

Nonconforming Sign: A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

Off-Premise Sign: A sign relating to a product, service, or establishment that is not located on the premises on which the sign is located.

On-Premise Sign: A sign relating to a product, service, or establishment that is located on the premises on which the sign is located.

Permanent Sign: Any permitted sign which is not restricted as to the duration of time it can be displayed.

Pole Sign: A type of freestanding ground sign supported on a single post or pole(s).

Portable Sign: Any sign which is designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as a stand-alone sidewalk sign, "A" frame, or mounted on wheels or legs of any kind. Certain accessory signs indicative of a commodity being sold on a business premises that are not permanently affixed to the ground are considered portable signs.

Projecting Sign: Any sign that is attached perpendicular to an outside wall, including parapet walls, and projects outward.

Realty Sign: A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon.

Sight Visibility Triangle: The land adjoining a street intersection that is kept clear of obstructions to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines. Where local streets meet, the lengths shall extend ten (10) feet away from the intersection. Where collector or arterial streets meet, the lengths shall extend twenty (20) and thirty (30) feet away from the intersection, respectively.

Sign: Any advertising device situated outdoors or otherwise visible from the outside that displays letters, characters, or graphics to attract the public's attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered. See also ART II, Definitions for *Sign*.

Sign Structure: A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Temporary Sign: A sign that is displayed only for a specified period of time.

Wall Sign: A sign that is painted on or attached parallel to an outside wall, including parapet walls.

Window Sign: Any signage inside or outside displayed and visible from outside for advertisement.

4.073 Exempt Signs

1. Exempt Signs

The following signs are exempt from the provisions of this article or from the requirement to obtain a sign permit, except for signs on corner lots, per Subsection 4.072. See definition for *sight visibility triangle*.

- a. **Address and Name of Resident:** Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. **Artwork:** Works of art that do not include any commercial messages or references.
- c. **Construction Signs:** Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. **Decals:** Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.

- e. **Directional Signs:** Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line or right-of-way, whichever is greater. Directional signs may be internally lit or illuminated by white light only. Such signs shall be located on the private premises and only one set shall be installed per driveway.

Any public or semi-public uses, as defined in this ordinance, are permitted no more than two (2) directional signs to be located on private property and only with the owner's permission.

- f. **Flags, Emblems, Insignia, and Banners:** Of any governmental agency or religious, charitable, public or nonprofit organization, or any commercial or industrial development, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area. Flagpoles shall not exceed twenty-five (25) feet in height and not located within twenty (20) feet of any property line or right-of-way, whichever is greater. Wall-mounted flags, emblems, insignia, and banners shall not exceed forty (40) square feet in area. In residential areas, there is no limit to height, size, or number of flags on one lot, provided, that the flagpoles will be sized and located in such a way that they will not collapse and cause property damage to a home or other residential structure, nor interfere with any public utilities or streets.
- g. **Handicapped Parking Space Sign:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- h. **Home Occupation Signs:** On-premise identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises, or within the yard located no closer than ten (10) feet to any property line or right-of-way, whichever is greater.
- i. **Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board. Such signs, at the discretion of the government agency or utility, may erect such signs in the right-of-way if deemed necessary.
- k. **Seasonal Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday. Such seasonal signage may be attached to any street pole or utility located in the right-of-way if deemed necessary.

- l. **Security and Warning Signs:** On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- m. **Temporary Political Signs:** On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event. No sign shall be located closer than five (5) feet to any property line or right-of-way, whichever is greater.
- n. **Temporary Real Estate Signs:** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property, except for corner lots, not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.
- o. **Directional Real Estate Signs:** Signs giving off-site directional assistance for availability of real estate being leased or sold. Such signs are limited to one (1) per street corner side not exceeding two (2) square feet in area, nor exceed two (2) feet in height, nor located closer than five (5) feet to any property line or right-of-way, whichever is greater. These signs shall not be illuminated.
- p. **Other signs:** Certain on-premise and off-premise signs, temporary in nature, such as garage sales, baby announcements, lost pets, or any other non-commercial messages are exempt from permits and permitted provided that they no larger than six (6) square feet in area and four (4) feet in height per sign, and comply with all provisions of this ordinance.

4.074 Temporary Signs

The following signs may be erected only after approval from the zoning administrator in compliance with Subsection 4.077. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, may be removed by the zoning administrator and the individual or enterprise charged the cost of removal.

A. General Requirements

- 1. All temporary signs are required to have the location of the signs approved by the zoning administrator prior to the placement of the sign.
- 2. Banners may be used as temporary signs.

3. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
4. No temporary sign shall be displayed on a roof.
5. No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the general public.
6. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to three (3) items of information.

B. Display Surface Area, Height, and Illumination

1. Maximum display surface area shall be thirty-two (32) square feet except for street banners, which shall not be limited, and off-site auction signs which are regulated below.
2. Maximum height shall be five (5) feet, except for banners over a public street, which shall have a minimum clearance of fifteen (15) feet over the street.
3. Temporary signs shall not be illuminated.

C. Location of Temporary Signs

1. All temporary signs shall setback a minimum of five (5) feet, from any street right-of-way or property line, whichever is greater, unless an alternate location is approved by the building inspector in special cases. No temporary graphic except banners shall overhang or encroach on any street right-of-way at any time.
2. The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.
3. No temporary sign shall be closer than twenty-five (25) feet to any permanent sign.

D. Types of Temporary Signs

1. **Special Event Signs:** Signs announcing special events including, but not limited to, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs, excluding portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs may be located on building walls and windows, but are excluded from all roof areas and shall be removed immediately following the event.

2. **Temporary Farm Products Signs**: Temporary signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2), nor shall any sign exceed six (6) feet in height.
3. **Construction Signs**: Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
4. **Auction Signs**: Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

4.075 General Provisions

1. General Standards

- a. No sign, except for those specified in Subsection 4.073, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision. For determination of ideal locations on corner lots, refer to Subsection 4.072, for definition of *sight visibility triangle*.
- e. No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- g. No sign shall obstruct any doorway, window, or fire escape.

- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- i. All pole and monument signs shall be limited to no more than eight (8) items of information, except for directory signs.
- j. Electronic Message Signs shall not be used to advertise any off-premise business activity, product, or service, except for community information or otherwise non-profit message. Church, school, civic, or government activities are excluded from this requirement.

2. Surface Area Display Standards

- a. The supports or uprights and any covering thereon on which one or more signs are mounted shall not be included in the display surface area.
- b. On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- c. On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- d. When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- e. In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- f. On a corner lot, a permitted sign may be located along each street frontage.

3. Height of Signs

The following general rules shall apply in the determination of the height of signs.

- a. The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
- b. The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

4. Signs Prohibited in All Districts

The following signs or types of signs are expressly prohibited unless specifically stated otherwise in this ordinance.

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a business or to direct people to a business or activity. For the purposes of these regulations, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily use for other business purposes. This does not include signage for automobiles individually advertised for sale or lease.
- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Inflatable signs and objects, including but not limited to balloons;
- f. Animated signs or any sign with moving or rotating parts;
- g. Banner signs, except as permitted in Subsection 4.074;
- h. Any sign with direct illumination provided by exposed bulbs or lamps;
- i. Off-premise signs, including Billboards; except certain signs as permitted in Subsections 4.073 & 4.074;
- j. Flashing signs;
- k. Hand tacked (snipe) signs affixed to any utility poles or utility boxes, fences, trees, or other objects, or any government-authorized signs, or any otherwise permissible signs;
- l. Portable signs. This shall not apply to authorized temporary signs as permitted in Subsection 4.073;
- m. Roof signs;

- n. Any sign erected after the adoption of this ordinance which does not comply with any provision of this ordinance.

4.076 Signs Permitted in Residential Districts

Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

1. Public & Semi-Public Uses

- a. A Public or Semi-Public Use may have one (1) sign constructed as a ground sign or a wall sign.
- b. A pole sign shall not exceed ten (10) feet in height, with the base of the sign at least seven (7) feet above the ground, and twenty-four (24) square feet in area. Monument signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet and may exceed the area to thirty-two (32) square feet.
- c. A wall sign shall not exceed twenty-five (25) square feet in area.
- d. Signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Signs shall be set back from the street right-of-way and property lines, whichever is greater, a minimum of ten (10) feet and outside of all sight visibility triangles.

2. Development Signs

- a. A development sign may be located at the major entrance(s) to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the zoning administrator one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or monument sign.
- b. All development signs shall be limited to ten (10) square feet of signage area for each one hundred (100) feet of road frontage in the development, but no development may exceed fifty (50) square feet total per sign. A pole sign shall not exceed ten (10) feet in height, with the base of the sign at least seven (7) feet above the ground.

- c. A development sign shall not be illuminated.
- d. Signs shall be set back from the street right-of-way and property lines, whichever is greater, a minimum of twenty (20) feet and outside of all sight visibility triangles.

3. Large Residential Signs

- a. Subdivision identification signs may be permitted at the main entrances to a subdivision. All signs shall sit at least ten (10) feet from any property line and outside of all sight visibility triangles.
- b. Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.
- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a monument sign. All such areas shall be attractively landscaped.
- d. A subdivision identification sign shall not exceed thirty-two (32) square feet in size, with a maximum height of four (4) feet in height.
- e. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- f. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

4.077 Permitted Signs in Commercial and Industrial Districts

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

1. Commercial District Signs

Within the C-1 District, the following standards for signs shall apply:

- a. Public & Semi-Public uses are permitted to have wall or ground signs, in accordance with Subsection 4.076 (1.)
- b. A commercial use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
 - (1) Such sign shall not exceed forty (40) square feet in display surface area.
 - (2) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no

case shall such sign extend above the roof line of the building to which it is attached.

- (3) Such sign shall clear the established grade by a minimum of ten (10) feet.
- (4) Such sign shall be no closer than twenty-five (25) feet to any other projecting sign.
- (5) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.

c. Wall signs are permitted subject to the following standards:

- (1) Sign area shall not exceed ten (10) percent of the building on which the sign or signs are to be attached, with a maximum of one half (1/2) of the total square footage on any one wall. The top of all wall signs shall be below the roofline, shall not project outward from the building more than twelve (12) inches. The wall sign square footage may be increased to a maximum of twenty-five (25) percent subject to the deletion of a freestanding pole sign on site.
- (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
- (3) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
- (4) Such sign shall not cover or interrupt major architectural features of the building.
- (5) Such sign shall not extend above the roof line of the building to which it is attached.
- (6) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- (7) Any wall signs that face and are within one hundred (100) feet of a residentially-zoned district shall be non-illuminated.
- (8) Electronic Message signs used with Wall signs shall not exceed twenty (20) percent of the wall sign area. The electronic message sign must be located below the primary signage.

- d. Ground signs are subject to the following standards:
- (1) Each commercially-zoned lot shall be limited to one (1) pole sign, unless on a corner lot, and shall be limited to a maximum display surface area of thirty-two (32) square feet per sign. Pole signs shall be setback a minimum of fifteen (15) feet from any street right-of-way or property line, whichever is greater. Pole signs shall be limited to a maximum height of twenty-five (25) feet with the base of the sign at least seven (7) feet above the ground. These regulations do not apply to certain signs described in (f) & (g) below.
 - (2) In lieu of a pole sign, one monument sign which is located in a landscaped area may be used, unless on a corner lot. One (1) square foot of sign area per five (5) linear feet of lot frontage on which the sign is to be erected, up to a maximum of fifty-five (55) square feet in area is allowed. The height of a monument sign shall not exceed six (6) feet. Monument signs shall be located no closer than ten (10) feet from the street right-of-way or property line, whichever is greater.
 - (3) Awning and Canopy signs are permitted to be attached to the building front, with a maximum of fifty (50) percent of the canopy and awning face for signage.
 - (4) Electronic Message signs may be used on pole or monument signs, provided that the maximum size of the electronic message sign does not exceed sixty (60) percent of the pole or monument sign area. The electronic message sign must be located below the primary signage.
 - (5) Any ground signs that face and are within one hundred (100) feet of a residentially-zoned district shall be non-illuminated.
 - (6) Additional signage may be permitted on the building as painted on glass windows. Such signage shall be in scale with the size of the glass of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed twenty-five (25) percent of the square footage of such glass and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
- e. A commercial complex which contains multiple establishments shall utilize the following provisions:
- (1) Each business establishment shall be limited to one (1) pole sign, unless on a corner lot, and shall be limited to a maximum display surface area of twenty-four (24) square feet per sign. Pole signs shall be setback a minimum of fifteen (15) feet from any street right-of-way or property line, whichever is greater. Pole signs shall be limited to a

maximum height of twenty-five (25) feet with the base of the sign at least seven (7) feet above the ground.

- (2) In lieu of a pole sign, each may use one monument sign which is located in a landscaped area, unless on a corner lot. A maximum of thirty-two (32) square feet in area is allowed. The height of a monument sign shall not exceed six (6) feet. Monument signs shall be located no closer than ten (10) feet from the street right-of-way or property line, whichever is greater.
 - (3) In lieu of a pole or monument sign, such commercial complex may utilize one (1) directory sign, designed either as a pole sign or monument sign, identifying individual occupancies, unless on a corner lot. This sign shall be limited to a maximum of forty (40) square feet in area and a height not to exceed six (6) feet in height for monument signs, and for pole signs a maximum of thirty-two (32) square feet in area and a maximum height of twenty-five (25) feet with the base of the sign at least seven (7) feet above the ground. Illumination for these signs shall be internal with no changeable copy except for its face. Directory signs shall be located no closer than seven (7) feet from the street right-of-way or property line, whichever is greater.
 - (4) Additional signage may be permitted on the building(s) within the complex and shall either be wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed twenty-five (25) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
 - (5) No signs shall be located within one hundred (100) feet of any residentially-zoned lot.
- f. This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply:
- (1) One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size and shall not identify more than three (3) products. Such sign shall be setback from the right-of-way a minimum of ten (10) feet and shall be no closer than thirty (30) feet from any street intersection.
 - (2) Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred-sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street.

- (3) Federal and State stamps, octane ratings, pump use directions, prices, and caution signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.
- g. This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:
- (1) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
 - (2) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of sixty (60) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).
 - (3) Signs may be illuminated subject to the following standards:
 - (a) Exposed bulbs or luminous tubes are prohibited.
 - (b) No sign shall change color or intensity.
 - (c) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential.
 - (d) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

2. Industrial District Signs

Within the I-1 District, the following standards for signs shall apply:

- a. Public & Semi-Public uses are permitted to have wall or ground signs, in accordance with Subsection 4.075, (1)
- b. Accessory businesses to the industrial use shall be permitted to have the following:
 - (1) A use on a lot shall be permitted to have one (1) monument or pole sign per street frontage. The maximum display surface area shall be fifty (50) square feet. The maximum

display surface area for all signs on the same lot shall be one hundred (100) square feet.

- (2) The maximum height shall be twenty-five (25) feet for a pole sign and six (6) feet for a monument sign except where the ground is artificially raised by means of a berm.
- (3) Pole signs shall be setback from the public right-of-way or edge of property a minimum of twenty-five (25) feet, with monument signs setback five (5) feet.
- (4) In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained above, in Subsection 4-076, 1, c.

4.078 Nonconforming Sign Provisions

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards in these regulations shall be classified as a nonconforming signs.

1. Removal of Temporary Nonconforming Signs

Nonconforming portable and hand tacked signs, and signs in a public right-of-way shall be removed within forty-five (45) days of the adoption of this ordinance. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within the same forty-five (45) days.

2. Alterations to Nonconforming Signs

A nonconforming sign may be altered subject to the following conditions.

- a. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in area, height, and/or projection and a sign permit is issued for the sign face change.
- b. No new nonconformance is created.
- c. Whenever the use or occupant of a property changes, including but not limited to redevelopment of the site or alteration or remodeling of the structure, all nonconforming signs shall be removed and the site brought into compliance.
- d. The proposed alteration conforms to the provisions of this ordinance.

3. Damage or Destruction of Nonconforming Signs

- a. When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.
- b. Any sign not maintained in good repair including rust, loose bolts, or any damage that could cause danger to the public shall be immediately repaired or lose its nonconformity.

Except that any advertising sign located within six hundred-sixty (660) feet of a Federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

4.080 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

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

- A. No parcel of land containing less than ten (10) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. 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.
- C. 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.
- D. 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. For double-wide mobile homes each space shall be at least sixty (60) feet wide.
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. No mobile home shall be located closer than twenty (20) 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 mobile home served, and may be located in the rear or side yard of said mobile home space.
5. Each mobile home space shall be provided with a pad which shall extend well beyond the exterior dimensions of the mobile home it serves, which at a minimum shall be twelve (12) feet by fifty (50) feet, and shall be constructed of four (4) inches of compacted gravel.
6. The mobile home 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 subsurface sewage disposal system shall be determined by the local health department.

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

E. General Requirements:

1. Roads within the mobile home park shall be paved to a width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in the Ridgetop 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 the access road as described in SECTION 4.080, E, 1.
3. Each mobile home space shall be provided with a connection to a sanitary sewer line, or be served by another acceptable sanitary sewerage system.
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 park manager's home or office.
7. Ground anchors shall be installed at each mobile home space to permit tiedowns of mobile homes, and shall comply with Tennessee Department of Commerce and Insurance Regulations.

F. **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 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 drainage plan.
10. The location of all existing and proposed utilities (water and sewer lines) serving the mobile home park. If the park is to be served by private sewerage systems, adequate information describing the type and location of such private system(s). If septic tanks are to be used, a soils map or percolation map must be submitted showing the approved drainfield location on each individual mobile home lot (space area).
11. Such other architectural, engineering, and topographical data as may be required to permit the local health department, the Ridgetop Building Inspector and/or Zoning Administrator, the Staff Planner, and the Ridgetop Board of Zoning Appeals to determine if the provisions cited in ARTICLE VII, SECTION 7.060, of these regulations are being complied with shall be submitted with the site plan.
12. 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.
13. 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 6.020, of this ordinance.

G. **Application for Mobile Home Park Building Permit:** An application for a special exception to develop and construct a mobile home park shall be filed in accordance with the requirements of ARTICLE VII, SECTIONS 7.030 and 7.060, 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, shall be submitted to the Ridgetop Building Inspector and/or Zoning Administrator and Staff Planner. The building inspector and/or zoning administrator and staff planner shall dully review with other affected agencies and departments.
2. The Ridgetop Building Inspector and/or Zoning Administrator and Staff Planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Ridgetop 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.

4.090 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 outlines above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they shall not catch and hold water in which mosquitoes may breed and so that they shall not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to lower property values and/or to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All property used for outdoor storage of salvage and wrecking operations shall be conducted entirely within and enclosed opaque fence, screen, or wall, excepting driveway areas, 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. Driveways limited to a width not to exceed twenty (20) feet and regulated by ARTICLE III, SECTION 3.090, B, and *.
- D. 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.
- E. **Off-Street Parking:** As regulated in ARTICLE IV, SECTION 4.010.

- F. **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.
 3. Other applicable requirements of SECTION 3.090, shall be met.
- G. **Application for Automobile Wrecking, Junk, or Salvage Yard Permit:** No person shall own or maintain an automobile wrecking, junk, or salvage yard within Ridgetop until the applicant has secured a special exception from the Ridgetop Board of Zoning Appeals. An application for said permit shall be filed in accordance with the requirements of ARTICLE VII, SECTION 7.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information as 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 set forth in SECTION 7.060.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning of Annexed Territory
- 5.050 Specific District Regulations
- 5.060 **RESERVED**
- 5.070 F-1, Floodplain District Regulations

5.010 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Ridgetop, Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Low-Density Residential-Agricultural	R-1A
Low-Density Residential	R-1
Medium-Density Residential	R-1B
Medium-Density Residential	R-2
High-Density Residential	R-3
General Commercial	C-1
Light Industrial	I-1
General Floodplain	F-1

5.020 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are founded and defined as shown on the map designated as the Official Zoning Map of Ridgetop, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the adopted official zoning map and amendments thereto shall be maintained in the office of the Ridgetop City Recorder and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad, and the center of streams when applicable. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such distance boundaries shall be

construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Ridgetop Board of Zoning Appeals.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Ridgetop Board of Zoning 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.

5.040 ZONING OF ANNEXED TERRITORY

Upon annexation of land by the City of Ridgetop by any means, the planning commission shall recommend to the Ridgetop Board of Mayor and Aldermen appropriate zoning districting within sixty (60) days following the final approval of the annexation. Prior to the final enactment of annexation, the amendment to this ordinance establishing zoning within the new annexed area shall be temporarily unclassified and no zoning permits shall be issued until the official zoning map has been amended and corrected.

5.050 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the six (6) zoning districts established in SECTION 5.010, of this ordinance.

5.051 Residential Districts

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

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
4. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
5. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;

6. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue.

5.051.1 R-1A, Low-Density Residential-Agricultural District

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance, as well as accommodate existing agricultural endeavors. Most generally this district will consist of single-family detached dwellings and other structures as are accessory, thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics, if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1A, Low-Density Residential-Agricultural District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated (manufactured) dwellings (excluding mobile homes).
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.030.
5. Agriculture.
6. Signs as regulated in ARTICLE IV, SECTION 4.070.

C. Uses Permitted as Special Exceptions

In the R-1A, Low-Density Residential-Agricultural District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Day care (family) homes.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Bed and breakfast homes or residences.

D. Uses Prohibited (Amended by Ordinance No. 99-99, March 21, 2000)

Commercial kennels; mobile homes; mobile home parks; billboards and similar advertising structures; commercial raising of livestock; warehousing; storage; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-1A, Low-Density Residential-Agricultural District shall comply with the following requirements, except as provided in ARTICLE VI.

1. Minimum Lot Size

**Minimum Area per Single
Detached Dwelling** **1 acre**

Minimum per Family **1 acre**

**Lot Width at Building
Setback Line** **125 ft.**

2. Minimum Yard Requirements

Front Setback	50 ft.
Side	20 ft.
Rear	30 ft.

3. Maximum Lot Coverage

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

4. Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

5. Parking Space Requirements

As regulated in ARTICLE IV, SECTION 4.010.

6. Easements

Public and private permanent easements, as regulated in ARTICLE III, SECTION 3.030.

5.051.2 R-1, Low-Density Residential District (Amended by Ordinance No. 2007-114, January 15, 2008)

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated (manufactured) dwellings (excluding mobile homes).
3. Customary accessory buildings, including private garages and noncommercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040.
5. Signs as regulated in ARTICLE IV, SECTION 4.070.

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Day care (family) homes.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.

D. Uses Prohibited (Amended by Ordinance No. 99-99, March 21, 2000)

Commercial kennels; mobile homes; mobile home parks; billboards and similar advertising structures; warehousing; storage; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-1, Low-Density Residential District, shall comply with the following requirements, except as provided in ARTICLE VI.

1. Minimum Lot Size (Amended by Ordinance 2016-101, February 16, 2016)

Area* (without Public Sewer) 33,000 sq. ft.
Area* per Family (with Public Sewer) 21,780 sq. ft.

Lot Width At Building Setback Line 120 ft.

2. Minimum Yard Requirements

Front Setback 50 ft.
Side 15 ft.
Rear 25 ft.

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed twenty-five (25) percent of the total area of such lot or parcel.

4. Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

Accessory structures shall not exceed two (2) stories in height, as regulated.

5. Parking Space Requirements

As regulated in ARTICLE IV, SECTION 4.010.

6. Easements

Public and private permanent easements, as regulated in ARTICLE III, SECTION 3.030.

5.051.3 R-1B, Medium-Density Residential District (Added New Subsection 5.051.3, by Ordinance No. 98-70, March 17, 1998, Then 5.051.3, Becomes 5.051.4, 5.051.4, Becomes 5.051.5)

A. District Description

This district is designed to provide suitable areas for medium-density residential development characterized by an open appearance. This district will consist of single-family detached

* State of Tennessee Department of Environment and Conservation Regulations, Subsurface Sewage Disposal Systems, Chapter 1200-1-6, May Require a Larger Lot Size for Additional Subsurface Field Lines.

dwellings and limited accessory structures. This district includes community facilities, public utilities and open uses, which specifically served the residents of the district or which are benefitted by and compatible with a residential environment. It is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other commercial structures and uses having commercial characteristics whether operated for profit or otherwise, except that certain home occupations may be allowed as special exceptions and shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1B, Medium Density Residential District, the following uses are permitted:

1. Single-family detached dwelling.
2. Customary accessory buildings, including private garages, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
3. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.030.

C. Uses Permitted as Special Exception

In the R-1B, Medium Density Residential District, the following uses may be permitted as Special Exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Public and semi-public recreational facilities and grounds.
2. Utility facilities (without storage yards) necessary for the provision of public services.

D. Uses Prohibited (Amended by Ordinance No. 99-99, March 21, 2000)

Commercial kennels; commercial signs, billboards and similar advertising structures; mobile homes, mobile home parks; uses not permitted upon approval as a special exception.

E. Dimensional Regulations (Amended by Ordinance No. 2018-101, April 17, 2018)

All uses permitted in the R-1B, Medium Density Residential District shall comply with the following requirements, except as provided in ARTICLE VI.

1. Minimum Lot Size

Minimum Area per Single-Family Detached Dwelling	13,300 sq. ft.
Minimum per Family	13,300 sq. ft.
Lot Width at Building Setback Line	90 ft.

2. Minimum Yard Requirements

Front Yard Setback	Minor streets	25 ft.
	Collector streets	35 ft.
	Arterial streets	40 ft.

Side Yard Setback	15 ft.
Rear Yard Setback	15 ft.

3. Maximum Lot Coverage

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

4. Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.040.

5. Parking Space Requirements

As regulated in ARTICLE IV, SECTION 4.010.

6. Easements

Public and private permanent easements as regulated in ARTICLE III, SECTION 3.030.

5.051.4 R-2, Medium-Density Residential District

A. District Description

This district is designed to provide suitable areas for medium density residential development where urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally this district will be characterized by single- and two-family (duplex) detached dwellings and such other structures as are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the district, or which are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total

residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-2, Medium-Density Residential District, the following uses and their accessory uses are permitted:

1. Single-detached dwelling.
2. Prefabricated (manufactured) dwellings (excluding mobile homes).
3. Duplex dwelling (single lot).
4. Customary accessory buildings, including private garages and noncommercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
5. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040.
6. Signs as regulated in ARTICLE IV, SECTION 4.070.

C. Uses Permitted as Special Exceptions

In the R-2, Medium-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering equal education courses.
3. Day care (family and group) day care homes.
4. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.

- 8. Zero lot line dwellings (duplexes), subject to requirements of ARTICLE VI, SECTION 6.080.
- 9. Bed and breakfast homes or residences.

D. Uses Prohibited (Amended by Ordinance No. 99-99, March 21, 2000)

Commercial kennels; mobile home parks; Mobile homes; billboards and similar advertising structures; warehousing; storage; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-2, Medium-Density Residential, shall comply with the following requirements, except as provided in ARTICLE VI.

1. Minimum Lot Size

Area*

Area per Family

Single	33,000 sq. ft.
Duplex	66,000 sq. ft.

**Lot Width at Building
Setback Line**

100 ft.

2. Minimum Yard Requirements

Front Setback

40 ft.

Side

15 ft.

Rear

20 ft.

3. Maximum Lot Coverage

On any lot or parcel of land the area occupied by all buildings including accessory building may not exceed thirty (30) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

Accessory structure shall not exceed two (2) stories in height as regulated.

* State of Tennessee Department of Environment and Conservation Regulations, Subsurface Sewage Disposal Systems, Chapter 1200-1-6, May Require a Larger Lot Size for Additional Subsurface Field Lines.

5. Parking Space Requirements

As regulated in ARTICLE IV, SECTION 4.010.

6. Easements

Public and private permanent easements, as regulated in ARTICLE III, SECTION 3.030.

5.051.5 R-3, High-Density Residential District

A. District Description

This district is designed to provide suitable areas for high-density residential development where sufficient urban facilities are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single- and two-family dwellings, and mobile home parks. However, it is the intent of this ordinance 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 district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated (manufactured) dwelling.
3. Duplex dwelling (one lot).
4. Multi-family dwellings.
5. Mobile homes.
6. Boarding and rooming houses.

7. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
8. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
9. Signs as regulated in ARTICLE IV, SECTION 4.070.

C. Uses Permitted as Special Exceptions

In the R-3, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Day care (family group, or center).
4. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Mobile home parks as regulated in ARTICLE IV, SECTION 4.080.

D. Uses Prohibited (Amended by Ordinance No. 99-99, March 21, 2000)

Commercial kennels; warehousing; storage; junk yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations (Amended by Ordinance No. 2002-102, June 18, 2002)

All uses permitted in the R-3, High-Density Residential District, shall comply with the following requirement, except as provided in ARTICLE VI.

1. Minimum Lot Size

Area*

**Area per Family Without
Public Sewer**

Single	33,000 sq. ft.
Duplex	66,000 sq. ft.
Multi-Family	
4 Dwelling Units	99,000 sq. ft.
Over 4 Dwellings	Not permitted unless on-site treatment units (i.e., package plants) are used, 99,000 sq. ft. plus 5,000 sq. ft. for each unit over 4.

**Area per Family with
Public Sewer**

Single	10,000 sq. ft.
Duplex	15,000 sq. ft.
Multi-Family	
4 Dwellings Units	30,000 sq. ft.
For each additional dwelling Unit, after first 4 units	3,000 sq. ft.

**Lot Width at Building
Setback Line**

Single Detached	75 ft.
Duplex	75 ft.
Multi-Family	100 ft.

2. Minimum Yard Requirements

Front Setback **40 ft.**

Side Setback

Single Detached Dwelling	10 ft.
Duplex	12 ft.
Multi-Family Dwelling	15 ft.
Rear Setback	20 ft.

* State of Tennessee Department of Environment and Conservation Regulations, Subsurface Sewage Disposal Systems, Chapter 1200-1-6, May Require a Larger Lot Size for Additional Subsurface Field Lines.

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

5. Parking Space Requirements

As regulated in ARTICLE IV, SECTION 4.010.

6. Easements

Public and private permanent easements, as regulated in ARTICLE III, SECTION 3.030.

5.052 Commercial Districts

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

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
4. To provide sufficient space in an appropriate location for a commercial district to satisfy specific functional needs of the City of Ridgetop, and in particular to serve the general public traveling along a major highway.
5. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.

6. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
7. To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of the City of Ridgetop, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect tax revenues.

5.052.1 C-1, General Service District

A. District Description

This district is established to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the regular and local shopping. Relatively high density and intensity of use as well as structuring these regulations to permit maximum pedestrian movement is intended. New commercial development within this district shall have all necessary urban services facilitated. This district is found near the major transportation interchange in the downtown area of Ridgetop, and all new development shall occur along a major traffic artery as described in the Ridgetop Major Thoroughfare Plan.

B. Uses Permitted

In the C-1, General Service District, the following uses are permitted:

1. Government services, including city, county, State and Federal offices, fire and police departments, court buildings and post offices.
2. Community assembly, including civic, social, fraternal and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
3. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums and swimming pools.
4. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.

5. Health care facilities, including rehabilitation center, convalescent homes, hospitals and medical clinics.
6. Animal care and veterinarian clinics.
7. Signs and billboards as regulated in ARTICLE IV, Section 4.070.
8. Parking lots and garages for the general public.
9. Sale or rental of automobiles, boats, motorcycles and or motorized vehicles. **(Amended by Ordinance 2015-107, September 15, 2015)**
 - a. All motorized vehicles in good condition and appearance.
 - b. At no time vehicles will be stored outside principal structure for parts.
 - c. No sale or rental of automobiles, boats, motorcycles or motorized vehicles shall be located on property having frontage on, or access to, US Highway 41.
10. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
 - a. All motorized vehicles in good condition and appearance.
 - b. All inventory shall be kept inside of facility.
11. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
12. Consumer repair services, including appliances, furniture and other types of personal equipment.
13. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses.
14. Entertainment and amusement centers, including auditoriums, theaters, and bowling alleys.
15. Financial, consulting and administrative services.
16. Restaurants.
17. General business and communication services.
18. Personal service establishments.
19. Retail sale of general merchandise items.
20. Medical and professional offices.

21. Hotels and motels.
22. Wholesale sales of consumer goods.
23. Funeral and cemetery services.
24. Day Care Centers.

C. Uses Permitted as Special Exception

In the C-1, General Service District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with ARTICLE VII, Section 7.070.

1. Bed and Breakfast establishments.
2. Manufacturing, provided such activity does not exceed the definition of Light Industry, as defined in ARTICLE II, Section 2.020.
3. Commercial Camp Grounds and Resorts
4. Mini-storage facilities.

D. Uses Prohibited

Commercial kennels, industrial uses, warehousing and storage facilities, portable structures and mobile homes as principal or accessory buildings, truck terminals, junkyards including automobile wrecking and salvage, or any other uses not specifically permitted by right or as a special exception are prohibited.

E. Dimensional Requirements

All uses permitted in the C-1, General Service District, shall comply with the following requirements.

1. Minimum Lot Size

Minimum lot area	
(with public water & sewer)	20,000 sq. ft.
(without public sewer)	33,000 sq. ft.

More than one (1) building shall be permitted on a single lot in the case of a shopping center, provided that all applicable areas and space requirements have been compiled with and further provided that such buildings share a common fire resistant wall.

2. Minimum Yard Requirements

Front Yard Setback 50 ft.

Side 10 ft.

except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.

Rear 20 ft.

except where the rear yard abuts or is adjacent to a residential district in in which case the minimum setback for that yard shall be forty (40) feet.

3. Maximum Lot Coverage

On any lot or tract containing one (1) or more structures, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area of lot.

4. Lot Width at Building Setback Line 100 ft.

5. Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in ARTICLE VI, Section 6.030.

6. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010.

7. Accessory Structures

Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

Accessory structures shall be of permanent construction and foundation, and of like materials of the principal structure.

8. Signs

As regulated in ARTICLE IV, Section 4.070.

9. Landscaping

For properties that abut or are adjacent to a residential district, there shall be screening along those affected property lines. The screening shall be a Buffer Strip, as

defined in ARTICLE II, Section 2.020. Depending on the intensity of the commercial use, a privacy fence constructed of masonry may be required by the Planning Commission in addition to the buffer strip, or may be substituted for the buffer strip, depending upon the circumstances involved.

All trash and refuse receptacles shall be enclosed from public view by landscaping, privacy fencing, or both, as may be required by the Planning Commission.

10. Easements

Public and private permanent easements, as regulated in ARTICLE III, Section 3.030.

11. Sidewalks

All new commercial establishments shall dedicate adequate area to accommodate a sidewalk and connect to the common walk system. Such sidewalks shall have a minimum width of three and one-half (3 ½) feet. Sidewalks shall be designed with safe, convenient, handicapped-accessible, and all-season pedestrian access material (concrete). Sudden changes in alignment and gradient shall be avoided.

5.053 Industrial Districts

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

1. To provide sufficient space, in appropriate locations, to meet the needs of expected economic expansion in the city for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, 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.

4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or which 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.
5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land as well as the most suitable location of such building development, to promote stability of industrial and related development, to strengthen the economic base of the Ridgetop area, to protect the character of this district and its peculiar suitability for particular uses, and to conserve the value of land and buildings, therein while protecting and maximizing tax revenues in the city.

5.053.1 I-1, Light Industrial District

A. District Description

This district is designed to accommodate industrial and related uses which conform to high level of performance standards. Industrial establishments of this type, within completely enclosed buildings. 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 the allowable industrial uses are also permitted.

B. Uses Permitted:

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

1. Food and kindred products manufacturing, except meat products.
2. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
3. Furniture and fixtures manufacturing.

4. Stone, clay, and glass products manufacturing.
5. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing.
6. Auto diesel repair and machine shops.
7. All types of wholesale trade.
8. Tool and die shops.
9. Warehouse and storage facilities.
10. Agricultural equipment sales and repair.
11. All public utilities including buildings, necessary structures, storage yards and other related uses.
12. Animal health facilities including veterinary clinics.
13. Building materials storage and sales.
14. Office functions only where they are directly related to the industrial establishment in which they are located.
15. Signs and billboards as regulated in ARTICLE IV, SECTION 4.070.

C. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the retail and convenience uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

D. Uses Prohibited (Amended by Ordinance No. 99-99, March 21, 2000)

Commercial kennels, all uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations (Amended by Ordinance No. 2002-101, February 19, 2002)

All uses permitted in the I-1, Light Industrial District, shall comply with the following requirements, except as provided in ARTICLE VI.

1. Minimum Lot Size

Minimum Area with Public Water	3 acres
Minimum Area with Public Water and Public Sewer	1 acre

2. Minimum Yard Requirements

Front Setback	50 ft.
Side	30 ft.
Rear	30 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 area of such lot or parcel.

4. Height Requirements

No building shall exceed fifty (50) feet in height, except as provided in ARTICLE VI, SECTION 6.030. All buildings taller than three (3) stories or thirty-five (35) feet in height shall make on-site provisions for the installation of adequate fire protection facilities via a sprinkler system and/or water storage tank(s), as are necessary. The Ridgetop Board of Zoning Appeals shall determine the adequacy of such system(s).

5. Parking Space Requirements

As regulated in ARTICLE IV, SECTION 4.010.

6. Easements

Public and private permanent easements, as regulated in ARTICLE III, SECTION 3.030.

5.060 RESERVED

5.070 F-1, FLOODPLAIN DISTRICT REGULATIONS (Added by Ordinance 2008-103, May 20, 2008; amended by Ordinance 2016-116, January 17, 2017)

The following regulations shall apply in the districts established in ARTICLE V, Section 5.010, of this zoning ordinance.

5.071 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE OBJECTIVES

A. Statutory Authorization

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

B. Findings of Fact

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

C. Statement of Purpose

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

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

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

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

5.072 DEFINITIONS

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

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

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered **"New Construction"**.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this 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 (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"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" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one (1) percent chance of being equalled or exceeded in any given year.

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

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

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)

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

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with 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 landmasses. 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 first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

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

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

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

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

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (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 the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

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

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

"Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "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, 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, bridge openings and the hydrological effect of urbanization of the watershed.

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

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

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

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

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"**, unless such transportable structures are placed on a site for one hundred-eighty (180) consecutive days or longer.

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

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

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or currently used North American Vertical Datum of 1988 (NAVD88), or other datum, to which base flood elevations (BFE) shown on a community's Flood Insurance Rate Map are referenced. **(Amended by Ordinance 2016-116, January 17, 2017)**

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain. Now referenced to the North American Vertical Datum of 1988 (NAVD88) **(Amended by Ordinance 2016-116, January 17, 2017)**

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the

first floodplain management ordinance and includes any subsequent improvements to such structure.

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 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; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AE. **(Amended by Ordinance 2016-116, January 17, 2017)**

"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 the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 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 which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence 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, and/or the currently used datum of the North American Vertical Datum of 1988 (NAVD88), (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. **(Amended by Ordinance 2016-116, January 17, 2017)**

5.073 GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard (Amended by Ordinance 2016-116, January 17, 2017)

The Areas of Special Flood Hazard identified on the **Ridgetop, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) dated April 5, 2017 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0395C and 47147C0415C, dated, April 16, 2008, and 47037C0050H, dated April 5, 2017, Community No: 470162** along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

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

5.074 ADMINISTRATION

A. Designation of Ordinance Administrator

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

B. Permit Procedures

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

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

- b. Elevation in relation to mean-sea-level to which any non-residential building will be floodproofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in ARTICLE V, Subsection 5.074, B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. **Construction Stage (Amended by Ordinance 2016-116, January 17, 2017)**

Within A Zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within A Zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

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

C. **Duties and Responsibilities of the Administrator (Amended by Ordinance 2016-116, January 17, 2017)**

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

- 1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with ARTICLE V, Subsection 5.074, B.
6. Record the actual elevation; in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with ARTICLE V, Subsection 5.074, B.
7. When floodproofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with ARTICLE V, Subsection 5.074, B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FIRM, meet the requirements of this Ordinance.

Within A Zones, where base flood elevations have not been established and where alternative data is not available, the

Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in ARTICLE V, Subsection 5.072, of this Ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in ARTICLE V, Subsection 5.074, B.

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

5.075 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
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.

B. Specific Standards (Amended by Ordinance 2016-116, January 17, 2017)

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of ARTICLE V, Subsection 5.075, B.

Within A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in ARTICLE V, Subsection 5.072, of this Ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in ARTICLE V, Subsection 5.074, B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in ARTICLE V, Subsection 5.072, of this Ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in ARTICLE V, Subsection 5.074, B.

Buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in ARTICLE V, Subsection 5.074, B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of ARTICLE V, Subsection 5.075, B, of this Ordinance.
4. Standards for Manufactured Homes and Recreational Vehicles
 - a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or

subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of ARTICLE V, Subsection 5.075, B, 4, of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - 1) Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - 2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred-eighty (180) consecutive days.

5. Standards for Subdivisions

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

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated

Located within the Areas of Special Flood Hazard established in ARTICLE V, Subsection 5.073, B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of ARTICLE V, Subsection 5.075.

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

Located within the Areas of Special Flood Hazard established in ARTICLE V, Subsection 5.073, B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with ARTICLE V, Subsection 5.075, B.

E. Standards for Streams Without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in ARTICLE V, Subsection 5.073, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with ARTICLE V, Subsection 5.073, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of ARTICLE V, Subsection 5.075. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of ARTICLE V, Subsection 5.075, B, and "Elevated Buildings".

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in ARTICLE V, Subsection 5.073, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of ARTICLE V, Subsection 5.075, B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in ARTICLE V, Subsection 5.074, B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

G. Standards for Areas Protected by Flood Protection System (A Zones)
(Amended by Ordinance 2016-116, January 17, 2017)

Located within the areas of special flood hazard established in ARTICLE V, Subsection 5.073, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A Zones) all provisions of ARTICLE V, Subsection 5.074, and ARTICLE V, Subsection 5.075, A, shall apply.

H. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with ARTICLE V, Subsection 5.074.

5.076 VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Ridgetop, Tennessee.

A. Board of Zoning Appeals

1. The Ridgetop Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;

- e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
 - 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

5.077 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 Ridgetop, Tennessee, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid 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.

ARTICLE VI
EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Exceptions to Height Limitations
- 6.040 Lots of Record
- 6.050 Exception to Front Setback Requirements
- 6.060 Absolute Minimum Lot Size
- 6.070 Setback Exceptions

6.010 SCOPE

ARTICLE VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE IV and ARTICLE V.

6.020 NONCONFORMING USES

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to 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 the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

A. Change from Nonconforming Use to Another Use

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

B. 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.

C. Discontinuance (Amended by Ordinance 2008-108, July 15, 2008)

Pursuant to 13-7-208 of the Tennessee Code, when a nonconforming commercial, industrial, or other business use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of thirty (30) months, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance. This shall not apply to nonconforming residential uses of land, which shall have a six (6) months discontinuance period. Immediately upon discontinuance of a nonconforming mobile home park, the nonconforming use of land shall lapse. Upon removal of a nonconforming mobile home, unless replaced by a mobile home within thirty (30) days of such removal, the nonconformity of such structure shall lapse. This provision shall not apply when the structural condition of a mobile home is such that replacement of another mobile home alleviates an unsafe and unsanitary living environment, as certified by the building inspector and/or zoning administrator.

D. Damage to a Nonconforming Use

Any nonconforming building (structure) or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged 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.

E. Damage or Destruction of Commercial or Industrial Nonconforming Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to destroy and reconstruct a new facility, 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 only upon a zoned lot(s) other than that upon which said use was operating as of the effective date of this ordinance.

F. Alteration of a Nonconforming Use

A nonconforming building or building housing 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.

G. 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 provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

H. 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 zoned lot(s) other than that upon which said use was operating as of the effective date of this ordinance.

6.030 EXCEPTION TO HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials.

6.040 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

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

6.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required, but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.060 ABSOLUTE MINIMUM LOT SIZE

In no case shall the building inspector and/or zoning administrator or the Ridgetop Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than the minimum required area for a conventional sewage disposal system, or less than thirty (30) feet in width at its narrowest point (except on cul-de-sacs), or has a front setback of less than twenty (20) feet and a side setback of less than five (5) feet.

6.070 SETBACK EXCEPTIONS (Added by Ordinance 2012-100, February 21, 2012)

Retaining walls, freestanding walls, fences, driveways and pads, mailboxes, light poles and similar structures are permitted to be installed or constructed outside the required building setback requirements and closer than five (5) feet to any adjoining property line, on the condition that the structure does not redirect the storm water runoff onto adjoining properties and that the structure not be constructed to provide the foundation support for a building or a structure not referenced above in this section and no part of such (including foundation) shall encroach onto an adjacent property line without the written consent of both property owners. Freestanding walls over 6 ft in height but not to exceed eight (8 ft) feet in height and retaining walls over 4 ft and/or other heights as regulated by the City's adopted building standards shall require applicable permits and the approval of a licensed design professional.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Building Permits
- 7.040 Temporary Use Permits
- 7.050 Certificate of Occupancy
- 7.060 Procedure for Authorizing Special Exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the Ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Conflict of Interests
- 7.141 Effective Date

7.010 ADMINISTRATION OF THE ORDINANCE

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

7.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered and enforced by the building inspector and/or zoning administrator. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all certificates of occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments, thereto.
- E. Receive, file and forward to the Ridgetop Board of Zoning Appeals all applications for variances or other matters on which the board is required to act under the provisions of this ordinance.

- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector and/or zoning administrator shall possess the right to enter upon any premises for the purpose of making inspections of said buildings or premises as are necessary to carry out his authorized duties.

7.030 BUILDING PERMITS - (ALSO, SEE STANDARD BUILDING CODE, 104 PERMITS.)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure, or to change the use of a building or structure, or to commence the filling of land without a permit thereof, issued by the building inspector and/or zoning administrator.

No building permit shall be issued by the building inspector and/or zoning administrator, except in conformity with the provisions of this ordinance, unless there is received a written order from the Ridgetop Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided for by this ordinance.

A. Application

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

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

B. Fee

The Ridgetop Board of Mayor and Aldermen shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the office of the building inspector and/or zoning administrator and city hall. Only the city board may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector and/or zoning administrator shall issue a building permit for such excavation or construction. If an application for a building permit is not approved,

the building inspector and/or zoning administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any of the provisions of this ordinance.

D. Construction Progress

Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature, unless a permit has been obtained from the building inspector and/or zoning administrator, as provided for in ARTICLE IV, SECTION 4.030, of this ordinance. Application for a temporary use permit shall be made in writing to the building inspector and/or zoning administrator on the form provided for that purpose. A schedule of fees shall be established by the Ridgetop Board of Mayor and Aldermen. Such schedule shall be posted in the office of the building inspector and/or zoning administrator and city hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.041 Temporary Dwelling Units in Cases of Medical Hardships (Added by Ordinance No. 95-34, March 16, 1999)

In any residential district, a Temporary Conditional Accessory Use Permit may be issued to place a mobile home or other approved housing on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health or welfare of the community.

An applicant for a Temporary Conditional Accessory Use Permit as provided under this subsection must produce a written statement from a physical certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Robertson County Health Department approving the sewage disposal system of the proposed temporary structure. If practical, only one meter per utility shall be installed to service both structures.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as a Conditional Accessory Structure.

The Temporary Conditional Accessory Use Structure shall not be occupied by anyone other than a certified nurse; a family member defined as a grandparent, parent, sister, brother, son, daughter, parent-in-law, daughter/son-in-law, aunt, uncle or grandchild.

Such permit may be initially issued after a recommendation of the Planning Commission to the Board of Zoning Appeals which will determine the credibility of the matter; follow the procedure found in Section 7.060, Procedure for

Authorizing Special Exceptions, A, B, C, D, E, F; and hold a Public Hearing.

A notarized instrument shall be recorded with the Robertson or Davidson County Register's Office, depending on the property location attesting that the structure is being established as a Temporary Conditional Accessory Use and may only be used under the conditions listed, herein. Such covenants as provided in the instrument shall be enforced by the Ridgetop Zoning Administrator.

A permit may be initially issued for eighteen (18) months. Such permit may be renewed for six (6) months at a time, subject to the production of a new statement from a physical certifying that the assistance is still required due to the disability condition. Said statement shall be submitted to the Ridgetop Zoning Administrator.

The temporary permit shall be revoked and the structure immediately removed upon a change in the conditions under which such permit was issued. Upon the termination or revocation of the permit, the applicant shall immediately terminate the temporary use and the applicant shall have sixty (60) days, then the City May cause the removal of the structure, and assess all costs of removal to the property owner and/or applicant. The City shall have the right to impose a lien against the property on which the structure was placed to fund the costs of removal by the City and/or may seek the cost or removal and enforcement of the costs through the courts.

7.050 ZONING PERMITS AND CERTIFICATES OF OCCUPANCY (Amended by Ordinance 2016-106, June 21, 2016)

A. ZONING PERMIT REQUIRED

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the building inspector and/or zoning administrator.

Prior to the issuance of any zoning permit for any building except single and two-family dwellings, a letter of credit, bond or cash deposit shall be posted to cover the cost of installing all landscape materials. Said bond, letter of credit or cash deposit shall be released upon completion of the improvements, final inspection and issuance of the certificate of occupancy.

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

B. SITE PLAN REQUIRED FOR ZONING PERMITS

All applications for zoning permits shall be accompanied by a site plan meeting the requirements specified in Section 3.120.

C. CERTIFICATES OF OCCUPANCY

No land or building or other structure or part thereof hereafter erected, moved, or

altered in its use shall be used until the building inspector and/or zoning administrator shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the inspector to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use by the Ridgetop Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance, or whether a review is requested by the building inspector and/or zoning administrator to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the board for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the board may require.

B. Fee

A fee in the amount to be determined by the Ridgetop Board of Mayor and Aldermen, payable to the City of Ridgetop, shall be charged to cover partial review and processing of each application for a special exception, except that the fee shall be waived for a governmental agency.

C. Criteria for Review

Prior to the issuance of a special exception, the board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the items in 1 and 2, above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering, landscaping treatment, with reference to type,

dimensions and character.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.

D. Restrictions

In the exercise of its approval, the board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit

All applications reviewed by the board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Conditions for Review Pertaining to Bed and Breakfast Homes or Residences

In addition to the requirements of the applicable district and the general requirements set forth in SECTION 7.060, C, the following special conditions shall be met prior to issuing a conditional use permit:

1. Bed and breakfast homes or residences shall be established only within preexisting single family residences.
2. Bed and breakfast homes or residences shall continuously maintain current licenses and permits as required by local and state agencies.
3. Bed and breakfast homes or residences shall be solely operated by members of the family residing in the home or residence.
4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

7. Bed and breakfast homes or residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
8. One (1) off-street parking space shall be provided for each guest room rented in addition to the required two (2) spaces required for the single family residence. Guest parking shall not be located within any required front yard. All such parking spaces shall be screened from view from adjoining property by fence, wall, hedge, or berm.
9. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher ten pounds in size or larger shall be installed and made easily accessible on each floor or story.
11. An evacuation plan must be approved by the city's fire chief prior to the issuance of a use and occupancy permit for a bed and breakfast home or residence.
12. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
13. Prior to the issuance of a use and occupancy permit for the establishment of any bed and breakfast home or residence not connected to a public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

7.070 BOARD OF ZONING APPEALS

In accordance with SECTION 13-7-205, Tennessee Code, a Ridgetop Board of Zoning Appeals, consisting of five (5) members, is hereby established. All members of such board shall be appointed by the Ridgetop Board of Mayor and Aldermen.

A. Term of Office of Board Members, Removal, and Vacancies

The members of the Ridgetop Board of Zoning Appeals, except for the planning commission representative and the Ridgetop Board of Mayor and Aldermen representative, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The board first appointed shall serve respectively for the following terms: one for one (1) year, one for two (2) years, and one for three (3) years. The representatives of the planning commission and the Ridgetop Board of Mayor and Aldermen shall serve coterminous with their terms of the planning commission and Ridgetop Board of Mayor and Aldermen. All such compensation as may be fixed by the Ridgetop Board of Mayor and Aldermen and may be removed from membership on the Ridgetop Board of Zoning Appeals for continued absence or just cause. Any member being so removed shall be provided, upon his/her request, a public hearing upon the

removal decision. Vacancies of said Ridgetop Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure

Meetings of the Ridgetop Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

C. Appeals to the Board (Amended by Ordinance 2008-111, September 16, 2008)

An appeal to the Ridgetop Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the building inspector and/or zoning administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Ridgetop Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The building inspector and/or zoning administrator shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give at least fifteen (15) days public notice in a newspaper of general circulation thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

Along with the application, each applicant shall be required to submit the following information to the Board:

1. Provide a copy of the tax map as provided by the Robertson County Tax Assessor's Office, showing said property and adjoining properties.
2. A site plan, at a scale no smaller than 1"=100 feet, and prepared by a licensed and certified surveyor or engineer, showing all existing buildings, proposed buildings, all yard setbacks for the zoning district the property lies in, and all adjoining properties identified by at least name and tax map/parcel.
3. Proof of contact, ie., a signed petition or registered letter with adjoining property owners in the area, indicating to them the nature of your request.
4. The applicant and/or his designee (ie., engineer or surveyor) should be present at the Board meeting to ensure request is given full consideration.
5. Application fee, per City of Ridgetop's Fee Schedule, must be paid upon filing of appeal.

D. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector and/or zoning administrator certifies to the board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such

instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the building inspector and/or zoning administrator, and on due cause shown.

E. Appeal to the Court

Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

F. Powers of the Board

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

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector and/or zoning administrator or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Ridgetop Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

7.080 VARIANCES

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Ridgetop Board of Zoning Appeals.

B. Fee

The fee amount to be determined by the Ridgetop Board of Mayor and Aldermen payable to the City of Ridgetop shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings

Upon receipt of an application and fee, the board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.

7.090 AMENDMENT TO THE ORDINANCE

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Board of Mayor and Aldermen. Any member of the Ridgetop Board of Mayor and Aldermen may introduce such legislation, or any official, board, or any other person may present a petition to the Ridgetop Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance. These amendments must be in relation to the general welfare of the community.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Ridgetop Municipal Planning

Commission for review and recommendation. Such proposal shall be submitted to city hall at least ten (10) business days prior to the next planning commission meeting if it is to be entertained by the planning commission. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the city board to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership or the Ridgetop Board of Mayor and Aldermen.

Before enacting amendment to this ordinance, the Ridgetop Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of Ridgetop.

7.091 Fee

A fee set by the Ridgetop Board of Mayor and Aldermen due and payable at the time of filing of petition shall be posted with requests to amend the zoning ordinance. The fee is to be set by the city board and used by the City of Ridgetop to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

7.092 Application for Rezoning (Amended by Ordinance No. 2005-01, April 19, 2005 and Ordinance No. 2007-111, November 20, 2007, Amended by Ordinance 2011-102, August 16, 2011)

A proposed change of zoning district boundaries shall be initiated by the filing of an application with the Ridgetop Planning Commission. Said application shall contain:

1. The name and address of the owner(s) of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the Robertson or Davidson County Tax Plat number and acreage.
3. A description of the proposed zoning change, modification or repeal together with written justifications for the requested zoning change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways and waterways that border the applicant's property.
5. Eight (8) copies or a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1" =100' and no larger than

1"=30' and show the following information:

- a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned
 - b. Dimensions in feet of property to be rezoned
 - c. All roads and easements within or adjoining property to be rezoned
 - d. Location, size, type, and current use of any building on the property requested for rezoning
6. All fees as indicated on the Ridgetop Schedule of Fees.
 7. The applicant shall be required to pay a fee for a notification sign to be placed on the property by the applicant or his representative at least ten (10) business days prior to consideration at the planning commission meeting and will remain in place until final action by the Ridgetop Board of Mayor and Aldermen.
 8. All property proposed for rezoning shall have all corners clearly marked with stakes and flagged.

7.100 PENALTIES

Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense.

7.110 REMEDIES

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

7.120 SEPARABILITY

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

7.130 INTERPRETATION

Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern.

Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.

7.140 EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Ridgetop Municipal Planning Commission.

February 14, 1995
Date

Joseph R. Plemel
Joseph R. Plemel, Chairman
Ridgetop Planning Commission

Approved and adopted by the Board of Mayor and Aldermen of the City of Ridgetop, Tennessee.

March 21, 1995
Date

J. T. Honeycutt
J. T. Honeycutt, Mayor, Ridgetop

ATTEST:

Approved as of Form and Legality

Evelyn Mitchell
Evelyn Mitchell, City Recorder

Louis W. Oliver, III
Louis W. Oliver, III, City Attorney

Passed 1st Reading: February 21, 1995

Passed 2nd Reading: March 21, 1995