

TITLE 14

ZONING AND LAND USE CONTROL

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Training.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission for the

City of Millington. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one, two, three, four, and five years respectively so that the term of one member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his pleasure. (1981 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall have such organization, rules, staff, powers, functions, duties and responsibilities as are prescribed in the general law relating to municipal planning commissions in title 13 of the Tennessee Code Annotated. (1981 Code, § 11-102)

14-103. Training. Planning commissioners shall not be required to obtain training as required by Tennessee Code Annotated, § 13-4-101(c). (as added by Ord. #2017-4, April 2017)

CHAPTER 2

TITLE, INTENT AND PURPOSE

SECTION

14-201. Title.

14-202. Intent and purpose.

14-201. Title. (1) Long title. An ordinance, in pursuance of the authority granted by Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, to provide for the establishment of districts within the corporate limits of Millington, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings and other structure for trade, industry, residence, recreation, public activities and similar purposes; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of the zoning ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of the zoning ordinance; and to provide for conflicts with other ordinances or regulations.

(2) Short title. Chapters 2-15 may be cited as the Zoning Ordinance of Millington, Tennessee. The map portion may be cited separately as the Zoning Map of Millington, Tennessee. (1981 Code, § 11.201)

14-202. Intent and purpose. Chapters 2-15 are enacted pursuant to Tennessee Code Annotated, title 13, for the following purposes:

(1) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people.

(2) To divide the city into zones and districts restricting and regulating herein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing and other specified uses;

(3) To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas;

(4) To provide adequate light, air, privacy, and convenience of access to property;

(5) To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;

- (6) To establish building lines and the location of buildings designed for residential, business, commercial, manufacturing or other uses within such lines;
- (7) To fix reasonable standards to which buildings or structures shall conform;
- (8) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- (9) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- (10) To limit congestion in the public streets and to protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- (11) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- (12) To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district, by regulating the use and the bulk of buildings in relation to the land surrounding them;
- (13) To conserve the taxable value of land and buildings throughout the city.
- (14) To provide the gradual elimination of those uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- (15) To provide for the condemnation of such nonconforming buildings and structures and of land as the board of mayor and aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
- (16) To define and limit the powers and duties of the administration officers and bodies as provided herein; and
- (17) These general purposes include the specific purposes stated in the various chapters throughout this title. (1981 Code, § 11.202)

CHAPTER 3

ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

SECTION

14-301. Establishment of districts.

14-302. Provisions for official zoning map.

14-301. Establishment of districts. In order to implement all purposes and provisions of the chapter, the lands within the corporate limits of the City of Millington, Tennessee, are divided into districts designated as follows:

- A Agricultural District
- R-0 Residential District (Lowest Density)
- R-1 Residential District (Low Density)
- R-2 Residential District (Medium Density)
- R-3 Residential District (Two-Family)
- R-4 Residential District (High Density)
- R-5 Residential Mobile Home Park District
- PRD Planned Residential District
- R-LL Residential District (Large Lot)
- B-1 Neighborhood Commercial District
- B-2 General Commercial District
- P-C Planned Commercial District
- O Office/Commercial District
- M-1 Light Industrial District
- M-2 General Industrial District
- M-3 Restricted Industrial District
- MT Military zone
- FH Flood Hazard Zone
- AHR Airport Height Restriction and Airport Clear Zone
- OT Old Town District

(1981 Code, § 11.301, as amended by Ord. #1997-3, May 1997, Ord. #2003-2, April 2003, and Ord. #2009-18, Oct. 2009)

14-302. Provisions for official zoning map. (1) Incorporation of map. The boundaries of districts established by this chapter are shown on the official zoning map which is hereby incorporated into the provisions of this ordinance. The zoning map in its entirety, including all amendments shall be as much a part of the zoning ordinance as is fully set forth and described herein.

(2) Identification of the official zoning map. The official zoning map shall be identified by the signature of the mayor attested by the city recorder and bearing the seal of the city under the following words: "This is to certify that this is the official Zoning Map referred to in § 14-302(2) of the Zoning Ordinance of the City of Millington, Tennessee," together with the date of the adopting of this ordinance.

(3) Replacement of official zoning map.¹ In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board of mayor and aldermen may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city recorder and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted _____ as part of Ordinance No. of the City of Millington, Tennessee". (1981 Code, § 11.302)

¹The official zoning map has been amended by the following ordinances of record in the city clerk's office: 1986-2, 1986-3, 1986-6, 1987-3, 1987-6, 1987-7, 1988-2, 1989-7, 1989-8, 1989-10, 1990-4, 1991-10, 1992-1, 1993-8, 1993-11, 1993-20, 1993-21, 1993-22, 1995-11 (Jan. 1996), 1995-13, 1995-15, 1995-17, 1995-19, 1996-4, 1996-6, 1996-7, 1996-9, 1997-5, 1997-6, 1997-12, 1997-15, 1997-16, 1998-1, 1998-17, 1999-6, 1999-11, 2000-4, 2000-05, 2000-07, 2000-19, 2000-21, 2001-2, 2001-13, 2001-14, 2002-3, 2002-14, 2003-5, 2003-11, 2003-12, 2003-13, 2003-14, 2003-18, 2003-22, 2003-23, 2003-24, 2003-25, 2003-26, 2003-33, 2003-35, 2003-37, 2003-39, 2003-41, 2003-43, 2003-45, 2003-46, 2003-48, 2004-1, 2004-4, 2004-6, 2004-7, 2004-8, 2004-17, 2004-18, 2005-6, 2005-7, 2005-12, 2005-13, 2005-14, 2005-15, 2005-17, 2008-1, 2008-12, and 2009-9.

CHAPTER 4

GENERAL PROVISIONS

SECTION

14-401. General provisions.

14-402. Use of existing additional building on residential lot.

14-401. General provisions. For the purpose of chapters 2-15, there shall be certain general provisions which shall apply to the city as a whole.

(1) Zoning affects every building and use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

(2) Continuance of nonconforming uses and structures. It is the intent of the zoning ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing building, structures, or uses that are not in conformity with the provisions of the zoning 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 the zoning ordinance. It is also the intent of the zoning ordinance to administer the elimination of nonconforming uses, building and structures so 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) An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification, provided however, . that establishment of another nonconforming use of the same classification shall be subject to the written approval of the board of zoning appeals and subject to conditions as the board of zoning appeals may require in order to protect the area. See § 14-401(12).

(b) No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except as herein provided.

Non-conforming, commercial, business, and industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction,

improvements or reconstruction shall be in conformance with the district requirements in which it is located.

(c) Except as provided in Chapter 279.1 of the 1973 Tennessee Acts.

(i) A non-conforming use of land shall be restricted to the area occupied by such as the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.

(ii) When non-conforming use of any building or land has ceased for a period of six (6) months, it shall not be re-established or changed to any other non-conforming use.

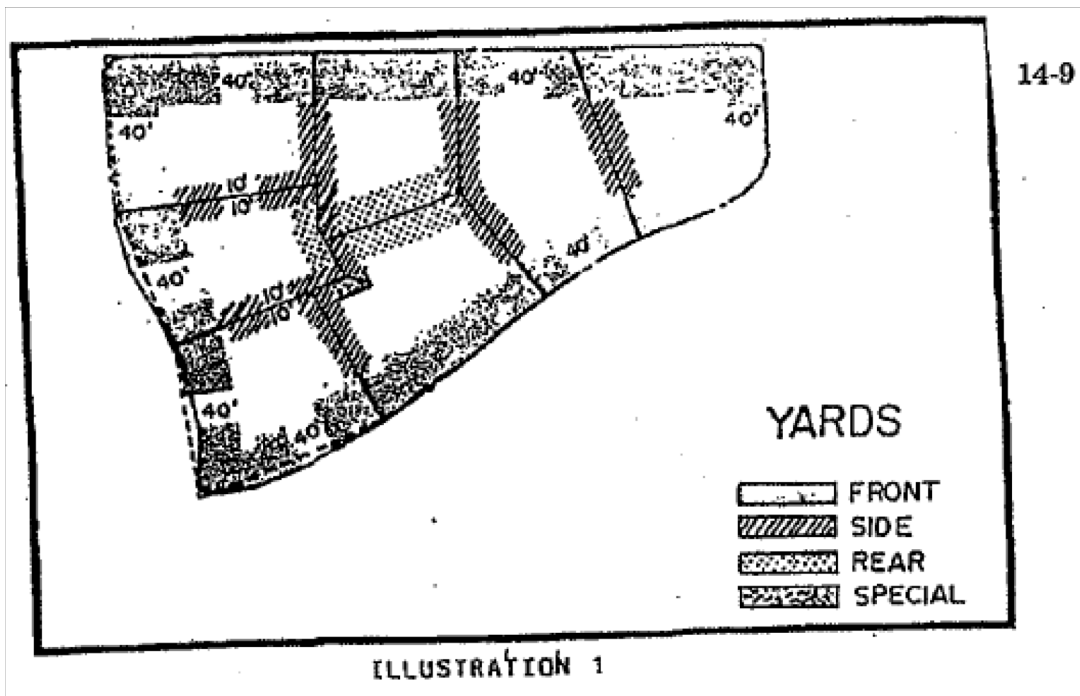
(iii) Any non-conforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before if it is done within twelve (12) months of such damage, unless damaged to the extent of more than sixty (60) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with provisions of the zoning ordinance.

(iv) A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of the zoning ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

(3) Minimum required street frontage. No structure shall be erected on a lot which does not abut at least one public street and which meets the minimum lot width measured at the building setback line. The minimum required frontage shall be 50 feet, to be reduced to 35 feet for lots fronting on permanent cul-de-sacs or coves.

(4) 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 yard requirements, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

(5) Any yard that abuts a public street. When a yard of a lot abuts a public street, all structures built in that yard shall observe the same setback from the street right-of-way or other yard requirements as required for adjacent properties which front on that street. (See Illustration 1)



(6) Front yards requirements in preexisting developments. The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within two hundred (200) feet on each side of such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts, however, the front yard shall in no case be less than fifteen (15) feet in depth.

(7) Lots of record. Where the owner of a lot of official record at the time of the adoption of the zoning ordinance does not own sufficient land to enable him to conform to the yard or other requirements of the zoning ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of the zoning ordinance. Permission to use such lot as a building site may be granted, however, providing that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals, and it is a condition unique to the lot in question, is a condition not shared by the surrounding lots, and will not subvert the intent of this ordinance. Where two or more substandard lots of record with a continuous frontage are 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.

(8) Obstruction of vision at street intersections. In all districts, on a corner lot, within the area formed by the centerlines of streets at a distance of

one hundred (100) feet from their intersections, there shall be no obstruction of vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of such street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

In instances of streets with more than a single lane in each direction, i.e. two or more lanes in each direction, on a corner lot, within the area formed by the intersections of the outer or right hand lanes of each street at a distance of one hundred (100) feet from their intersection, there shall be no obstruction of vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of such street or railroad at the intersection thereof. This shall not prohibit any necessary retaining wall.

(a) The board of zoning appeals may reduce this requirement where safety conditions will not be impaired.

(9) 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 i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty-two (32) feet in width. (See Illustration 2)

(b) There shall be no more than two (2) points of access to any one (1) public street in each one hundred (100) feet of frontage in any lot.

(c) No point of access shall be allowed within twenty (20) feet of the right-of-way of any public street intersection. On streets designated as collector or arterial such point of access shall be greater as required by the Millington Planning Commission.

(d) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangements would require that vehicles back directly into a public street. This requirement shall not apply to existing commercial lots nor single or two-family developments in the R-1 through R-4 Districts.

(10) Front yards. Front yards shall be measured from the street right-of-way. In the instance when the street right-of-way is unspecified, the following standards shall apply:

- (a) Minor residential and collector status streets
 - 50 feet right-of-way or
 - 25 feet from the street centerline.
- (b) Arterial streets
 - 70 feet right-of-way or
 - 35 feet from the street centerline.

(11) Interpretation of district boundaries. When district boundaries are indicated as approximately following streets, railroads or a stream or river the boundary shall be construed as following the centerline of the right-of-way or the centerline of the waterway.

(12) Interpretation of permitted uses. Permitted uses when in question shall be determined by utilization of the Standard Land Use Coding Manual. Uses will be considered similar if they are part of the same two digit code in the Standard Land Use Coding Manual.

(13) On-site disposal. Each multi-family residential, mobile home park, commercial, and industrial use shall provide a permanent area for the location of garbage collection boxes (dumpsters). Each location must be paved with a minimum of 4" of concrete, approved by the building inspector, and must provide an adequate area for both the box and the front wheels of the garbage collection truck. Such space shall be located to ensure continuous access for clearing and shall afford the collection truck direct access. In no instance shall the required concrete pad be smaller than 8'X14'. All such collection locations shall be screened and approved as set forth in § 14-1201.

(14) Landscaping. Required landscaping shall be in conformity with the zoning ordinance and as approved by either the Millington Building Inspector or Planning Commission, whichever has review responsibilities. All landscaped areas must be constructed and maintained as approved.

(15) Walls, fencing and screening. The following regulations establish standards for those districts where walls, fences and screens are required along side and rear lot lines and zoning district boundary lines. The standards established herein are minimum standards and shall be used in the review and approval of permitted, accessory or conditional uses which are subject to the requirements of this section.

(a) When a non-residential use or zone (with multi-family considered a nonresidential use for purposes of this section) is adjacent to a residential use or zone there shall be a wall or fencing around the nonresidential use. The finished side shall face the residential use with the planning commission or board of zoning appeals having the power to require both sides of the wall or fence to be finished sides. The wall or fence shall be one of the two types as listed below.

- (i) Fencing/screening shall consist of a wall six (6) feet in height, constructed of brick or other approved masonry materials.

(ii) Fencing/screening shall consist of a wall six (6) feet in height, constructed of solid wood or other approved opaque materials.

The planning commission shall have the power to allow fencing/screening which combines the approved types and/or which integrates plantings to complete the screening effect.

(b) When exterior storage of materials or sales products is used by a non-residential use the planning commission may require that the storage area shall be screened from view by those who are on the street and from view by occupants of the first floor of adjacent buildings by using one of the two screening options mentioned above.

(c) When a nonresidential use is adjacent to another nonresidential use the planning commission or, as in the case of special exemptions the board of zoning appeals, may require screening/fencing between the uses. Two options for the minimum requirements of screening are immediately below. During site plan review, as required by this zoning ordinance, by the planning commission (PC) or board of zoning appeals (BZA), the PC or BZA can require the minimum requirements be exceeded when judged necessary by the reviewing body. In instances where the planning commission or board of zoning appeals, during their review of the required site plan, as set forth in this zoning ordinance, determine that the nonresidential uses are compatible, screening between the non-residential uses can be waived.

(i) Fencing/screening shall consist of a forty-eight (48) inch (height) wall, constructed of brick or other approved masonry material. The wall should have the finished surface facing away from the proposed use. The planning commission may require that the wall be faced on both sides. In the cases of special exemption uses, the board of zoning appeals may require that the wall be faced on both sides or, in the case of walls with only one faced surface, may require the finished surface face away from the proposed use.

(ii) Fencing/screening shall consist of a forty-eight (48) inch solid wood or other approved material. The wall should have the finished surface facing away from the proposed use. The planning commission may require that the fencing/screening be faced on both sides. In the cases of special exemption uses, the board of zoning appeals may require that the fencing/screening be faced on both sides or, in the case of fencing/screening with only one faced surface, may require the finished surface face away from the proposed use.

(d) In instances where industrial uses are adjacent to each other the planning commission may at its option allow fencing/screening which shall consists of forty-eight (48) inch high chain link fence with fence

fabric inserts. In instances where the industrial uses adjacent to each other are compatible the fencing/screening between them can be waived.

(e) Fencing/screening maintenance. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all screening/fencing as may be required by the provisions of this section.

(f) Visual obstruction. In no instance shall such required fencing or screening present a visual obstruction to motor traffic entering or exiting the affected property, as set forth in § 14-401(8), nor shall this section be interpreted to conflict with other safety regulations of the City of Millington.

(16) Accessory uses. Within all residential areas accessory uses such as satellite dishes, pools, courts, which are permanently constructed or have a permanent foundation shall be screened, fenced or recessed so as to not be noticeable from the adjoining residentially zoned properties. This requirement shall not be construed to include accessory buildings such as garages, shops, gazebos or other structures built for use within. (1981 Code, § 11.401, as amended by Ord. #1997-1, March 1997, and Ord. #1997-7, June 1997)

14-402. Use of existing additional building on residential lot.

(1) Notwithstanding anything in title 14 of the Millington Municipal Code to the contrary, in the event any lot within zoning districts R-LL, R-O, R-1, R-2 and R-3 or any lot used for a single-family or two-family dwelling in zoning district R-4 should contain a principal building used as a residence and any additional building which was in existence and used as a residence prior to adoption of the zoning ordinance in 1986, and which building is in existence and used as a residence as of the effective date of the ordinance comprising this section, the lot owner shall be permitted to continue to use such additional building as a single family residence, as set out in this section.

(2) For health and safety purposes, the use of a building that is not the principal building on a single lot as a single family residence in accordance with § 14-402(1) shall be allowed only when the city building inspector, the city fire department and two (2) members of the board of adjustments and appeals for elimination of unsafe structures (the "inspecting officers") have inspected said building and agreed that it complies with applicable city codes, including but not limited to electrical, plumbing, gas and sanitation codes, that there is adequate access to such building for fire and police emergencies, and that it is structurally sound, so that it poses no threat to human life.

The first inspections shall be made as soon as practicable following the effective date of the ordinance comprising this section. If the property owner refuses to allow inspection of a non-principal building used as a residence, the building shall not thereafter be used for residential purposes, and any such use shall be deemed a violation of the zoning ordinance, for which a citation may be issued.

(3) If any such building is determined not to be in compliance with applicable codes, or if there is not adequate access to such building for fire and police emergencies, or if the building is determined to be structurally unsound, it may not be used as a residence. If the inspecting officers determine that such building is not in compliance with applicable codes, or if there is not adequate fire/police access, or if it is structurally unsound, the lot owner shall have up to ninety (90) days from the date of inspection to secure required all building permits and repair such building and request one (1) additional inspection. If the building is found to be in compliance with applicable codes and structurally sound and to have adequate access after the second inspection, it may be used as a single-family residence. If the building is determined not to be in compliance with applicable codes, to have adequate fire/police access or to be structurally sound at the second inspection, no further inspections will be made, and the building shall not be used for residential purposes. Use of a building other than the principal building on any lot for residential purposes other than as permitted by this § 14-402 shall be a violation of the zoning ordinance, for which a citation may be issued.

(4) If a building that has been used as a residence other than the principal building on a lot becomes vacant and remains vacant for ninety (90) days or more, there must be a new inspection before it may again be occupied as a residence. The requirements of subsections (2) and (3) above shall apply to any such inspection.

(5) No building allowed to be used as a residence under this § 14-402 other than the principal residence on a lot may be added on to or enlarged.

(6) If fifty percent (50%) or more of any building described in § 14-402(1) should be removed by the lot owner, or if any such building should be destroyed or damaged to an extent of fifty percent (50%) or more by fire, flood, tornado or other disaster, such building shall not be replaced or rebuilt and shall no longer be used as a residence.

(7) The owner of the lot upon which the principal building is located shall be billed for and shall be responsible to pay utilities, storm water fees, garbage fees and all other fees or charges owed to the city for any additional building allowed to be used as a residence on said lot.

(8) Except as expressly set out in this § 14-402, the following restrictions shall apply:

(a) There may be only one (1) principal residential building on any lot in zoning districts R-LL, R-O, R-1, R-2 and R-3 and lots used for single-family or two-family dwellings in zoning district R-4;

(b) No other structure on lots within these zoning districts may be used as a residence; and

(c) All provisions of title 14 which govern or restrict the number of principal buildings on any lot and/or the uses allowed on any lot shall remain in full force and effect.

(9) This section shall not apply to any lot which does not have legal access to a public road or street as required by the zoning ordinance, and no building on any such "landlocked" lot may be used as a residence or otherwise in a manner not in accordance with the requirements of title 14 of the Millington Municipal Code.

(10) Any violation of this section shall be a violation of the zoning ordinance and shall be treated in the same manner as any other violation of the zoning ordinance. Upon conviction of such violation, the property owner shall be liable for a fine of up to fifty dollars (\$50.00), and each day that a violation continues shall constitute a separate offense. (as added by Ord. #2009-21, Nov. 2009)

CHAPTER 5

DEFINITIONS

SECTION

14-501. Definitions.

14-502. Sexually oriented businesses; defined.

14-501. Definitions. Except as specifically defined herein all words used in the zoning ordinance have their customary dictionary definitions where not consistent with the context of the ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular number; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in the zoning ordinance, the definition herein shall prevail.

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the City of Millington. The Standard Land Use Coding Manual provided as an appendix of the zoning ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts.

(1) "Accessory building and use." A detached building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use including swimming pools and satellite dishes.

(2) "Agriculture." See Code 81 of the Standard Land Use Coding Manual.

(3) "Agricultural related activities." See Code 82 of the Standard Land Use Coding Manual.

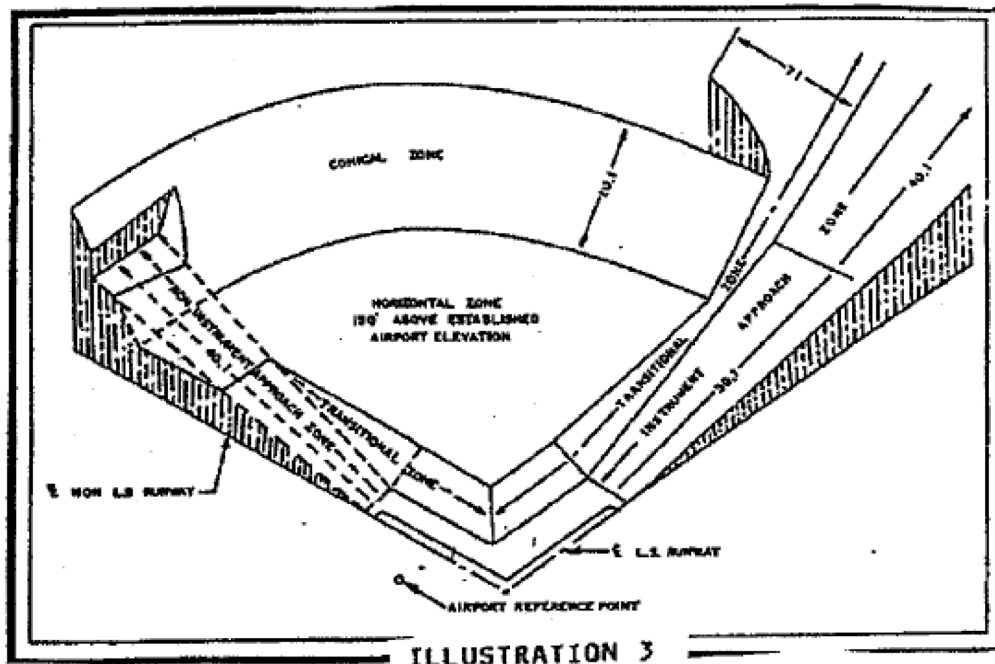
(4) "Airport." Millington Municipal Airport.

(a) "Airport elevation." The highest point of the airport's usable landing area measured in feet from mean sea level.

(b) "Airport hazard." Any structure or tree, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

(c) "Airport hazard zone." Any land or water upon which an airport hazard might be established if not prevented by the zoning ordinance.

(d) "Approach zone." An area adjacent to the runways of an airport which must remain clear of obstructions due to incoming and out-going airplanes. The area must remain free of antennas, spires and any other obstruction (see Illustration 3).



(i) "Height." For the purposes of determining the height limit in all zones set forth in this chapter and shown on the airport hazard zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(ii) "Instrument runway." A runway equipped or designated to be equipped by an approved airplane, with electronic air navigation aids adequate to permit the landing and takeoff of aircraft under restricted visibility conditions.

(iii) "Obstruction." Any tangible inanimate physical object, natural or artificial, protruding above the surface of the ground.

(iv) "Runway." A designated portion of the airport, as herein defined, prepared for landing and take-off of aircraft along the centerline of its longest dimension.

(v) "Structure." Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, and the poles or other structures supporting the same.

(5) "Alley." A thoroughfare which affords only a secondary means of access to the abutting property and has a right-of-way width of ten (10) feet to thirty (30) feet.

(6) "Amusement." An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual)

(7) "Automobile storage yard." Any land used for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

(8) "Base flood." See one-hundred year flood.

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

(10) "Building." Any structure designed or built for the support enclosure, shelter or protection of persons, animals, chattels, or property.

(11) "Building, height of." The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

(12) "Building line - front, side, rear." Lines which define the required area for the front, side and rear yards, as set forth in the zoning ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

(13) "Building, main or principal." A building in which the primary use of the lot is conducted.

(14) "Business service." Establishment which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service. (See Code 63 in the Standard Land Use Coding Manual)

(15) "Clinic." An establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises. (See Codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual)

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

(17) "Commercial Mobile Communications Services (CMCS)." Common carriers authorized to offer and provide mobile and fixed wireless telecommunications services for hire to the public, including, without limitation, cellular radio telephone and similar services, paging, air to ground, personal communications systems (PCS), specialized mobile radio, enhanced specialized mobile radio services and other such telecommunications providers. These services shall include towers, equipment and other accessory uses needed to provide the hardware needs of CMCS.

(18) "Communication." See Code 47 in the Standard Land Use Coding Manual.

(19) "Community facilities." As mentioned in the mobile home section shall mean recreational facilities and laundromats to serve the development.

(20) "Condominium-residential." A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

(21) "Crematory." A building or structure or room or space within a building, which has been certified by the State of Tennessee for the cremation of deceased persons and is located within or as a part of a funeral home. The crematory shall be limited to one (1) deceased person at a time.

(22) "Cultural activity." Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums. (See Code 71 in the Standard Land Use Coding Manual)

(23) "Density." Number of units per acre allowed by this zoning ordinance.

(24) "District." Any section or sections of the City of Millington for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

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

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

(27) "Dwelling-mobile home." See Mobile Home.

(28) "Dwelling, single-family · detached." A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

(29) "Dwelling, two-family." A building designed to be occupied by two families, living independently of each other and having one wall common to both dwelling units.

(30) "Dwelling, multiple-family." A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other. (Also see Condominiums, Residential and Dwelling, Townhouse)

(31) "Dwelling, townhouse." An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. (Also see Condominium, Residential)

(32) "Dwelling unit." One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family, or multi-family structures.

(33) "Easement." The right to use another person's property but only for a limited and specifically named purpose. The most common purposes are for utility installation, the protection or provision of drainage ditches or swales, and the provision of access. The owner generally continues to make use of such land since he has given up only certain, and not all, ownership rights.

(34) "Education services." Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance, and music schools. (See Code 68 in the Standard Land Use Coding Manual)

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

(36) "Exterior boundary." See Exterior Yard.

(37) "Exterior yard." A yard adjacent to the side or exterior boundaries of a mobile home park a multi-family or planned commercial development which are clear of any structures.

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

(39) "Finance, insurance and real estate services." Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual)

(40) "Flood." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

(41) "Floodway." The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above predevelopment conditions.

(42) "Floodway fringe area." Lands lying outside a designated flood way but within the area subject to inundation by the 100-year flood.

(43) "Floodproofing." Any combination of structural or nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

(44) "Floodplain." A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of

runoff of surface waters from any source. For the purposes of the zoning ordinance, the land subject to inundation by the 100-year flood, i.e. the 100-year flood plain.

(45) "Funeral home." A funeral service establishment, including funeral merchandise, funeral services, funeral directing and a crematory.

(46) "Garage, private." A building or portion thereof for the storage of motor vehicles owned or used by the residents.

(47) "Governmental agency." An agency of the federal state, or the local government or any combination thereof.

(48) "Governmental services." See Code 67 of the Standard Land Use Coding Manual.

(49) "Grade." The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

(50) "Gross floor area." The total floor area within the walls of structure.

(51) "Habitable space." Areas within the building designed and/or used as living quarters for human beings.

(52) "Hazardous substance." Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Tennessee Code Annotated, § 68-27-102, or listed as hazardous or toxic by the Tennessee Department of Health or the U.S. Environmental Protection Agency.

(53) "Health officer." The health officer of Shelby County.

(54) "Height." See Building, height of.

(55) "Incidental home occupation." A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than twenty (20) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. Incidental home occupations shall include: arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

(56) "Industry." See Manufacturing.

(57) "Institution." A building occupied or operated by a nonprofit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

(58) "Kindergartens." See Nursery School.

(59) "Landscaping." A planted and maintained area of trees, shrubs, lawns, and other ground cover to materials designed to present a aesthetic buffer between properties and adjoining uses or street areas.

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

(61) "Lot." A legally recorded parcel of land.

(62) "Lot area." The total horizontal area included within lot lines.

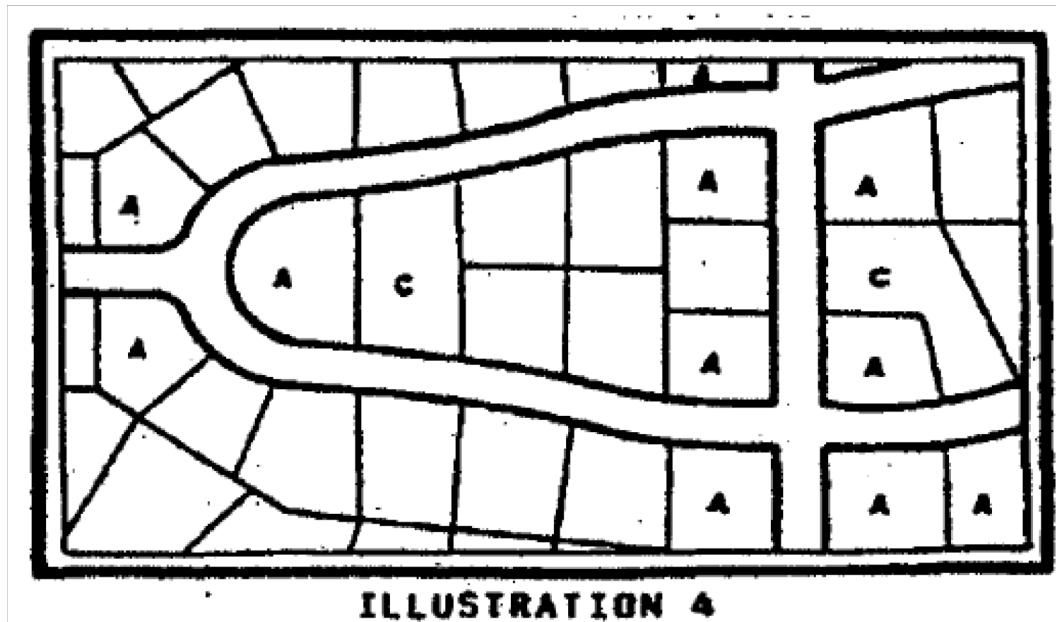
(63) "Lot, corner." A lot abutting upon two (2) or more streets, at their intersection. (See A in illustration 4)

(64) "Lot, double frontage." A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 4)

(65) "Lot of record." A parcel legally recorded in the Office of the Shelby County Register of Deeds prior to the date of the adoption of the zoning ordinance.

(66) "Lot coverage." The lot area covered by all buildings located therein.

(67) "Lot width." The horizontal measurement at the building line.



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

(69) "Manufactured home." For the purpose of interpreting the term "Manufactured home" as used within the Flood Hazard District section

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

(70) "Manufacturing." The production of a product at a fixed site. (See Code 21 through 39 in the Standard Land Use Coding Manual)

(71) "Medical services." Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual)

(72) "Mobile home." A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of the zoning ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

(73) "Mobile home park." Any plat of ground upon which two or more mobile homes are parked for occupancy as dwelling units.

(74) "Motor vehicle transportation." See Code 42 of the Standard Land Use Coding Manual.

(75) "Neighborhood shopping center." A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves, with a minimum of four shops at a site containing more than two (2) acres.

(76) "New construction." Means structures for which the "start of construction" commenced on or after March 2, 1981.

(77) "Non-conforming use." Any use of buildings or premises which lawfully existed prior to the adoption of, or amendment of the zoning ordinance, but which no longer comply with the use regulations of the district in which it is located.

(78) "Noxious matter." Material (in gaseous, liquid, solid particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

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

(80) "Nursery school." A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

(a) "Family day care home." A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age, who are not residents of the household. A license is not required for a house providing care for fewer than 5 children.

(b) "Group day care home." Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.

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

(81) "One-hundred year flood." A flood which has, on the average a 1-percent chance of being equalled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood".

(82) "Pads." The surface on which trailer is located consisting of concrete footings and a support of the trailer.

(83) "Personal services." Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual)

(84) "Professional services." Services carried out by professionals including legal and physician services. (See Code 65 in the Standard Land Use Coding Manual)

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

(86) "Public uses." Facilities such as, but not limited to, parks, schools, and offices owned and operated by governmental bodies.

(87) "Public utility." Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of or furnish of heat, chilled air, chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public. (See Codes 47 and 48 except Code 4823 and 485)

(88) "Recreation activities." See Code 74 of the Standard Land Use Coding Manual.

(89) "Recreational vehicle." A trailer towed behind a car or self propelled vehicle intended for use as a temporary recreational dwelling.

(90) "Repair services." Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops. (See Code 64 in the Standard Land Use Coding Manual)

(91) "Retail trade." Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual)

(92) "Schools, parochial." An institution of learning owned and/or operated by a recognized church or religious institution.

(93) "Signs." Any device designed to inform, or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on or off-site as allowed under the regulations of the zoning ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure or, if ground mounted, shall include all bases, poles, mounts or attachment from the ground level upward.

(94) "Sign-ground mounted." A sign mounted on the ground or a support independent of a building.

(95) "Sign, off premise, off site." Signs advertising products or services for sale on a site other than the site the sign is located.

(96) "Sign, on premises, on site." Signs advertising products or services for sale on the same site as the sign is located.

(97) "Site plan, sketch plan, general plan." A plan delineating the overall scheme of the development of a tract including all items as specified in the zoning ordinance.

(98) "Special exception." A use allowed on appeal to the board of zoning appeals.

(99) "Start of construction." For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.O. 97-341), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured

home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, 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.

(100) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. The basement not used for human occupancy shall not be counted as a story.

(101) "Half story." A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

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

(a) "Arterial street." A major street used primarily for heavy through traffic which will be so designated on the Millington Major Road Plan.

(b) "Collector street." A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Millington Major Road Plan.

(c) "Cul-de-sac or dead-end street." A local street with only one outlet for which there are no plans for extension and no need for extension.

(d) "Marginal access street." A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.

(e) "Minor residential or local streets." A neighborhood or commercial area street used primarily for access to the abutting properties.

(103) "Street line." The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

(104) "Street center lines." The center of the surface roadway or the surveyed center line of the street.

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

(106) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

(107) "Temporary structure." A factory assembled, movable building not designed or used as a dwelling unit which is constructed to be towed on its own chassis comprised of a frame and wheels, to be used with or without a permanent foundation but with the necessary connections for utility services.

(108) "Total floor area." The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

(109) "Tower." As used herein, "tower" means any structure or framework that exceeds the maximum height for structures permitted in the city's zoning district where said structure or framework is located, to be located, built or used in any way for the provision of mobile and/or fixed wireless telecommunications services for hire to the public. Said services shall include, but are not limited to, the services listed in the definition of Commercial Mobile Communications Services set out above.

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

(111) "Transient lodging." Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual.

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

(a) For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.

(b) Where detailed floor plans are not available, the following shall apply:

(i) "Commercial building." Usable floor area shall equal 75% of the gross floor area.

(ii) "Office buildings other than medical office buildings." Usable floor area shall equal 80% of the gross floor area.

(iii) "Medical office building." Usable floor area shall equal 85% of the gross floor area.

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

(114) "Utilities." Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (see code 48 in the Standard Land Use Coding Manual) except for solid waste disposal and sewage disposal.

(115) "Variance." A modification of the strict application of the area (lot, yard and open space) regulations and development standards of the zoning ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property. The salient points of a variance are:

(a) "Undue hardship" caused by exceptional physical irregularities of the property; and

(b) Unique circumstances due to the exceptional physical irregularities; and,

(c) Strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

(116) "Veterinary hospital or clinic--large animals." Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to all size animals. Such an establishment may include accessory boarding facilities provided they are located inside the building. Larger animals and livestock such as, but not limited to, horses, cows, sheep and pigs are permitted in this classification as well as small animals, including household pets.

(117) "Veterinary hospital or clinic--small animal." Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to small animals, including household pets. Such an establishment may include accessory boarding facilities provided they are located inside the building. Larger animals and livestock such as, but not

limited to, horses, cows, sheep and pigs are not allowed in this classification.

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

(a) "Front yard." The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards. (See illustration 1)

(b) "Side yard." The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line. (See Illustration 1)

(c) "Rear yard." A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued. (See Illustration 1)

(119) "Zoning districts." Any section of the city for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

(120) "Church." A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose; including a synagogue, temple, mosque, or other such place of worship and religious activities.

(121) "Church with a day care center." A church as defined in this section that includes a day care center as defined in this section. This use must meet the following requirements:

(a) A fenced play area shall be provided and shall contain a minimum of fifty (50) square feet of usable play space for each child using the area at any one (1) time. This play area shall be at least twenty feet (20') from any residential property lines and fifty feet (50') from a street.

(b) A minimum of a four foot (4') fence shall be provided, and this area shall be screened by either vegetative or masonry from adjacent residential uses.

(c) The use shall be connected to a public sewage disposal system where possible, or if not available, the use of a private sewage disposal system shall have the approval of the local department of environment and conservation division of ground water protection and it shall be operating satisfactorily at all times.

(d) There shall be adequate drives for queuing space, parking and pick up areas for the drop off and pick up of children as determined by the Millington Planning Commission.

(e) The facility must meet the requirements of the Tennessee Department of Human Service and the Shelby County Health Department as well as City of Millington requirements.

(f) The day care center is to be operated by the church or a legal subsidiary of the church and may not be contracted out to an individual, group of individuals or a business.

(122) "Storefront church." A religious meeting place in a shopping center or other retail building. (1981 Code, § 11.501, as amended by Ord. #1997-17, Feb. 1998, modified, and amended by Ord. #2014-16, Nov. 2014, Ord. #2018-12, Aug. 2018 and Ord. #2020-5, April 2020 *Ch 16_6-29-20*)

14-502. Sexually oriented businesses; defined. For purposes of the Millington Zoning Ordinance, the definitions relating to sexually oriented businesses shall be the same definitions as are adopted by this Ordinance 2005-20 and set out in § 9-1103 of the Millington Municipal Code or any successor section. These definitions are incorporated into the Millington Zoning Ordinance by reference as fully as if set out herein verbatim. (as added by Ord. #2005-20, Aug. 2005)

CHAPTER 6

RESIDENTIAL DISTRICT PROVISIONS

SECTION

- 14-601. R-0 Residential District (Lowest Density).
- 14-602. R-1 Residential District (Low Density).
- 14-603. R-2 Residential District (Medium Density).
- 14-604. R-3 Residential District (Two-family).
- 14-605. R-4 Residential District (High Density).
- 14-606. R-5 Residential Mobile Home Park District.
- 14-607. PRD-Planned Residential District.
- 14-608. R-LL Residential District (Large Lot).
- 14-609. Prohibition of towers for commercial mobile communications services.
- 14-610. A Agricultural District.

14-601. R-0 Residential District (Lowest Density). Within the areas designed R (Low Density) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

(1) Chart one, permitted uses.

Permitted Uses	A	R-0	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-F	M-3	MT	OT	ER
RESIDENTIAL AND AGRICULTURAL																					
Forestry and Agricultural activities, including stockyards and live	P																				
Single family dwellings	P	P	P	P	P	P	P	P													
Two-family dwellings																					
Condominium dwellings																					
Mobile homes																					
Single family mobile homes and mobile home park offices																					
Recreational vehicles, mobile home and services																					
Public Uses, Parks and Public Buildings	P	P	P	P	P	P	P	P													
Offices and professional services produced on the premises	P																				
Public Bulletin board or Temporary Signs	P																				
Signs	P																				
Customer home occupations	P	P	P	P	P	P	P	P													
Accessory Buildings	P	P	P	P	P	P	P	P													
Public and Private Schools	A	A	A	A	A	A	A	A													
Business and Professional Schools	A	A	A	A	A	A	A	A													
Business and professional offices related to a Business or Professional School	A																				
Commerces	A																				
Private Clubs including Firearms Clubs	A																				
Private Clubs including Country or Country Clubs	A																				
Private Clubs including kennels or small animals	A																				
Grain elevators or similar storage	A																				
Hospitals and institutions of an educational, religious, charitable or fraternal nature	A																				
Chiropractic offices	A																				
Church with a Day Care Center	A	A	A	A	A	A	A	A													
Golf Courses or Country Clubs	A	A	A	A	A	A	A	A													
Day care centers	A	A	A	A	A	A	A	A													
Nursing Homes	A	A	A	A	A	A	A	A													
Nursing Homes	A	A	A	A	A	A	A	A													
NON RESIDENTIAL USES																					
Personal Services including Barber Services																					

Chart 1 Page 1
2/2/2020

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted or appeal by FCC as a Special Exception and requires a site plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT	OT	ER	
Dry cleaning pickup and delivery services											S	S	S								S	
Beauty and Barber services											S	S	S									S
Shoe repair											S	S	S									S
Apparel repair and alterations											S	S	S									S
Bank											S	S	S									S
Kindergartens and child care homes											S	S	S									S
Retail trade, including:																						
Building materials, hardware and farm equipment												S										S
General merchandise												S										S
Food and groceries												S										S
Automotive, marine craft, aircraft and accessories, excluding auto junk yards												S	S									S
Automotive, marine craft, aircraft and accessories, limited to tires, batteries and accessories, and Gasoline service stations												S	S									S
Apparel and accessories												S	S									S
Furniture, home furnishings and equipment												S	S									S
Eating and drinking											S	S	S									S
Storefront Church											S	S	S									S
Other retail trade												S										S
Other retail trade limited to Drug and proprietary, book and stationary																						
Services, including:																						
Offices											S	S	S									S
Finance, insurance and real estate											S	S	S									S
Personal services											S	S	S									S
Business services											S	S	S									S
Businesses services limited to: Dwelling and other building services; Research development and testing; Equipment renting and leasing; Automotive and truck renting; and Electronic configuration and/or services																						
Funeral Home												S										S
Personal storage, limited												S										S
Repair services excluding tire recapping services												S										S
Automobile repair and wash services												S	S									S
Electrical and electronic devices												S	S									S
Professional services											S	S	S									S

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT	OT	ER	
Professional services limited to: medical laboratories, dental laboratory and other medical and health services															S	S	S					
Contract construction services											S	S		S	S	S	S				S	
Contract construction services office											S	S		S	S	S	S				S	
Educational services											S	S		S	S	S	S				S	
Veterinary Hospital or Clinic, Small Animal											S	S	S	S	S	S	S				S	
Miscellaneous services											S	S		S	S	S	S				S	
Mini Storage											A	A				P		S			A	
Amusements											S	S									S	
Recreational activities											S	S									S	
Transient Lodging: Motels, Hotels and Tourist Courts											S	S			S	S	S				S	
Public Assembly											S	S									S	
Taxicab business, storage and garage											S	S			S	S	S				S	
Sexually oriented businesses											S	S				S					S	
Cultural Entertainments and Recreation																						
Motion picture theatres											S	S										S
Recreational activities limited to sports, recreational centers, gymnasiums and athletic clubs											S	S										
Manufacturing, including Apparel and other products made from fabrics, leather and similar products, excludes leather tanning and finishing															S	S	S	S				
Food, beverage and kindred products															S	S	S	S				
Furniture and fixtures															S	S	S	S				
Printing, publishing and allied industries															S	S	S	S				
Paper and allied products, limited to paperboard containers and boxes															S	S	S	S				
Drug manufacturing															S	S	S	S				
Fabricated metal products, excluding stamping															S	S	S	S				
Fabricated metal products																S	S	S				
Textile mill products															S	S	S	S				
Rubber and miscellaneous plastic products															S	S	S	S				
Professional, scientific and controlling instruments; electronic configuration and repair; Photographic and optical goods; and watches and clocks manufacturing															S	S	S	S				
Lumber and wood products																S	S	S				

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT	OT	ER
Chemical and allied products limited to Drugs, soap, detergents and cleaning preparations																S	S	S			
Chemical and allied products																					
Stone, Clay and glass products																					
Petroleum refining and related industries																					
Primary metal limited to rolling, drawing and extruding of ferrous and non-ferrous metals																					
Transportation Communication and Utilities																					
Airport and Aviation Related Uses																					
Communication															S	S	S				
Communication towers	A										A				A	A	A			A	
Utilities																S	S				P
Motor vehicle transportation													A		S	S	S				
Other communication															S	S	S				
Wholesale trade limited to:																					
Motor vehicles and automotive equipment, excluding auto salvage and junkyards															S	S	S	S			
Drugs, drug proprietaries and druggists supplies															S	S	S	S			
Drugs, chemicals and allied products																S	S	S			
Dry goods and apparel															S	S	S	S			
Farm products excluding live animals															S	S	S	S			
Groceries, beverages and related products															S	S	S	S			
Electrical and electronic goods															S	S	S	S			
Hardware, plumbing, heating equipment and supplies															S	S	S	S			
Machinery, equipment and supplies																S	S	S			
Metals and minerals, excluding petroleum products																S	S	S			
Office, paper and paper products																S	S	S			
Lumber and construction materials																S	S	S			
Other Wholesale not listed, excluding: Metals, plastic and minerals; Petroleum bulk stations and terminals; Scrap and waste metals; and Livestock or live animals															S	S	S	S			
Other Wholesale trade limited to petroleum bulk stations and terminals and wholesale scrap and waste materials																		S			
Warehousing and Storage services excluding stockyards																S	S	S			
OTHER																					
Signs as permitted in Section 14-202	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
United States Government uses at the sole discretion and pleasure of the military authority in charge																					P
Planned Residential District			S	S	S	S	S														
Mixed Use Planned Developments			S	S	S	S	S														S
Fireworks Sales Overlay District											S	S	S								
Water Park. See Chapter 25																					S

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a Site Plan approval

(2) Chart two, district and use bulk regulations.

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
A Agricultural District								
Single Family Detached Dwelling	20,000 *	100	40	15	25 **	35	2.18	0
Agriculture	One acre	100	40	25	25 **	45	n/a	0
Other	One acre	100	40	25	25 **	45	n/a	0
R-O Residential District								
Single Family Detached Dwelling	15,400	110	35	10	30	35	2.83	30
Public Uses	20,000	110	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-1 Residential District								
Single Family Detached Dwelling	6,500	80	30	10	30	35	6.7	30
Public Uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-2 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Public Uses	20,000	100	35	35	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	35	35	35	n/a	25
Churches	3 acres	200	35	35	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	35	35	35	n/a	25
R-3 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Public Uses	20,000	100	45 35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	45 35	15	35	35	n/a	25
Churches	2 acres	200	45 35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	45 35	15	35	35	n/a	25
Day Care Centers			45 35	15	35	35	n/a	25
Assisted Living Facilities			45 35	15	35	35	n/a	25
Nursing Homes			45 35	15	35	35	n/a	25
R-4 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Townhouse dwellings	11,500 #	100	25	10/15 ###	25	35	12.82	25
Multi-family dwellings	11,500 #	100 ##	25	10/15 ###	35	35	12.82	25
Public Uses	20,000	100	35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	15	35	35	n/a	25
Churches	2 acres	200	35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	15	35	35	n/a	25
Day Care Centers			35	15	35	35	n/a	25
Assisted Living Facilities			35	15	35	35	n/a	25
Nursing Homes			35	15	35	35	n/a	25
R-5 Residential Mobile Home Park								
Entire development	8 acres		50	30	30	35	n/a	
Single family mobile homes and recreational vehicles	4,500 per unit		25	10	15	35	n/a	n/a
Office			50	30	30	35	n/a	n/a
R-LL Residential District								
Single Family Detached Dwelling	2 acres	175	35	15	30	35	0.5	30
Public Uses	2 acres	175	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
B-1 Neighborhood Commercial								
Permitted commercial and office uses	0	0	30	10/20 ^	30	35	n/a	25
Public uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25

Chart 2 Page 1

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
Churches	2 acres	200	40	20	40	35	n/a	25
B-2 General Commercial	0	0	50	10/0 ^{^^}	20/25 ^{^^^}	35		45
P-C Planned Commercial								
Entire Development	5 acres	100'	n/a	n/a	n/a	n/a	n/a	n/a
Individual permitted uses	0	0	50	25	25	35	n/a	0
O Office	0	0	50	10/0 ⁺	20/25 ^{^^^}	35		0
M-1 Light Industrial	0	0	40	20/40 ⁺⁺	20/40 ^{^^}	50	n/a	50
M-2 General Industrial	0	0	50	25/40 ⁺⁺⁺	25/40 ⁺⁺⁺	50	n/a	65
M-P Planned Industrial	0	0	50	25/40 ⁺⁺⁺	25/40 ⁺⁺⁺	50	N/A	65
M-3 Restricted Industrial	0	0	50	50/100	50/100	50	n/a	35
M-T Military Zone	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Veterans Parkway Corridor Overlay								
R-4 Residential (townhouse only)	11,500 #	100	0	10/15 ^{###}	25		12.82	25
B-1 Neighborhood Commercial	0	0	0	10/20 [^]	30	35	n/a	25
B-2 General Commercial	0	0	10	10/0 ^{^^}	20/25 ^{^^^}	35		45
P-C Planned Commercial (individual permitted uses)	0	0	10	25	25	35	n/a	0
O Office	0	0	10	10/0 ⁺	20/25 ^{^^^}	35		0
M-1 Light Industrial	0	0	20	20/40 ⁺⁺	20/40 ^{^^}	50	n/a	50
M-P Planned Industrial	0	0	30	25/40 ⁺⁺⁺	25/40 ⁺⁺⁺	50	n/a	65

- * Where no public sewer is provided the lot size shall be increased to meet Health Department regulations.
- ** Not less than 30' or 20% of the lot depth, whichever is smaller, provided in no case shall it be less than 25'.
- *** 5 acres plus one acre for each one-hundred or fraction of one-hundred students over one-hundred.
- # 11,500 square feet (sq. ft.) for the first unit, plus 2,500 sq. ft. for each additional unit.
- ## 100' for the development and each townhouse lot shall have 20' for frontage.
- ### 10' on end or internal units and 15 where it borders an adjacent property.
- ^^ 10' where it is adjacent to commercial and 20' where it is adjacent to residential.
- ^^^ 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where these uses are adjacent to residential the side yard shall be the greater of 10' or the side yard in the adjacent residential zoning.
- ^^^ The rear yard is 20' adjacent to commercial and 25' adjacent to residential.
- + 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where the use is adjacent to residential, the side yard shall be the same as the adjacent residential zoning plus 15'.
- ++ 20' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.
- +++ 25' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.

(3) Maximum height. (a) No structure shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and televisions antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided they are located a distance equal to their height plus ten (10) feet from the nearest line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(4) Accessory buildings. Accessory buildings shall conform to the following standards:

(a) No accessory building shall be utilized for human occupation.

(b) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(c) No accessory building shall extend into the required side yard.

(d) Accessory buildings may extend into the rear yard and shall be located a distance from the rear property line equal to the height of the structure.

(e) Accessory buildings shall not cover more than thirty (30) percent of the required yard. (1981 Code, § 11.601, as amended by Ord. #2015-14, Sept. 2015, Ord. #2018-12, Aug. 2018, and Ord. #2020-5, April 2020 *Ch16_6-29-20*)

14-602. R-1 Residential District (Low Density). Within the areas designed R-1 (Low Density) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

(1) Uses permitted. (a) Single-family dwellings.

(b) Accessory buildings customarily incidental to the permitted use.

(c) Signs as permitted in § 14-1202.

(2) Special exceptions. The following uses are permitted on approval by the board of zoning appeals upon review of the criteria established herein:

(a) Uses permitted. (i) Public uses, including but not limited to municipal, state or federal uses such as schools, museums, office buildings, utilities.

(ii) Churches.

(iii) Private or parochial schools.

(iv) Golf courses or country clubs.

(v) Accessory buildings customarily incidental to the permitted use.

(b) Criteria for review. (i) The use requested is to be located on a route designated as either an arterial or collector street on the official Major Road Plan for Millington.

(ii) All area, yard, density and parking requirements shall be met.

(iii) All site plan requirements, as set forth in § 14-1201 shall be submitted. If approved, all modifications requested by the board of zoning appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(iv) The board of zoning appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking, location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors, or similar considerations.

(3) Uses prohibited. Any use not specifically permitted or permitted as a special exception by the board of zoning appeals shall be prohibited.

(4) Minimum lot area.

- | | | |
|-----|---|---|
| (a) | Single-family dwellings | 6,500 sq. ft. |
| (b) | Public uses: | 20,000 sq. ft. except as set forth below: |
| (i) | Schools, including parochial or private schools
hundred (100) students | Five (5) acres plus one (1) acre for each one hundred (100), or fraction of one |

over one hundred.

- | | | |
|-----|---|-----------------|
| (c) | Churches | Three (3) acres |
| (d) | Golf courses and/or country clubs, including publicly owned | 10 acres |

(5) Minimum lot width measured at the building line.

- | | | |
|-----|--|---|
| (a) | Single-family dwelling | Eighty (80) feet |
| (b) | Public uses: | One hundred (100) feet except as set forth below: |
| (i) | Schools, including parochial and private schools | Three hundred (300) feet |
| (c) | Churches | Two hundred (200) feet |

- (d) Golf courses and/or country clubs, including publicly owned Two hundred (200) feet
- (6) Minimum depth of front yard.
 (a) Single family dwelling Thirty (30) feet
 (b) All other uses Forty (40) feet or greater if required by the board of zoning appeals
- (7) Minimum width of side yards.
 (a) Single-family dwellings Ten (10) feet
 (b) All other uses Twenty (20) feet or greater if required by the board of zoning appeals
- (8) Minimum depth of rear yard.
 (a) Single-family dwelling Thirty 30 feet
 (b) All other uses Forty (40) feet or greater if required by the board of zoning appeals
- (9) Maximum lot coverage by all buildings.
 (a) Single-family dwellings Thirty (30) percent
 (b) All other uses Twenty-five (25) percent
- (10) Maximum number of principal buildings.
 (a) Dwellings One (1) principal building
 (b) All other uses None providing the provisions of §§ 14-601(4) through 14-601(9) are met.
- (11) Maximum height. (a) No structure shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided they are located a distance equal to their height plus ten (10) feet from the nearest line.
 (b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.
 (c) No accessory building shall exceed twenty (20) feet in height.
- (12) Accessory building. Accessory buildings shall conform to the following standards:
 (a) No accessory building shall be utilized for human occupation.
 (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
 (c) No accessory building shall extend into the required side yard.

(d) Accessory buildings may extend into the rear yard and shall be located a distance from the rear property line equal to the height of the structure.

(e) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard. (1981 Code, § 11.602)

14-603. R-2 Residential District (Medium Density). Within the areas designated R-2 (Medium Density) in the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

(1) Uses permitted. (a) Single-family dwellings.

(b) Accessory buildings customarily incidental to the permitted use.

(c) Signs as permitted in § 14-1202.

(d) Home occupations.

(2) Special exceptions. The following uses are permitted on approval by the board of zoning appeals upon review of the criteria established herein:

(a) Uses permitted. (i) Public uses, including but not limited to municipal, state or federal uses such as schools, museums, office buildings, utilities.

(ii) Churches.

(iii) Private or parochial schools.

(iv) Golf courses or country clubs.

(v) Accessory buildings customarily incidental to the permitted use.

(b) Criteria for review. (i) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Millington.

(ii) All area, yard, density and parking requirements shall be met.

(iii) All site plan requirements, as set forth in § 14-1201 shall be submitted prior to consideration by the board. If approved, all modifications requested by the board of zoning appeals shall be made prior to the issuance of any permit. The site plan shall be maintained in the permanent files of the City of Millington.

(iv) The board of zoning appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking, location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, or the authority to specify building materials, colors or similar considerations.

(3) Uses prohibited. Any use not specifically permitted or permitted as a special exception by the board of zoning appeals shall be prohibited.

(4) Minimum lot area.

- | | | |
|-----|---|---|
| (a) | Single-family dwellings | 6,500 sq. ft. |
| (b) | Public uses | 20,000 sq. ft. except as set forth below: |
| | (i) Schools, including parochial or private schools | Five (5) acres plus one (1) acre for each one hundred (100), or fraction of one hundred (100) students over one hundred |
| (d) | Churches | Three (3) acres |
| (e) | Golf courses and/or country clubs, including publicly owned | Ten (10) acres |

(5) Minimum lot width measured at the building line.

- | | | |
|-----|---|---|
| (a) | Single-family dwellings | Sixty-five (65) feet |
| (b) | Public uses: | One hundred (100) feet except as set forth below: |
| | (i) Schools including (parochial and private schools) | Three hundred (300) feet |
| (c) | Churches | Two hundred (200) feet |
| (d) | Golf courses and/or country clubs, including publicly owned | Two hundred (200) feet |

(6) Minimum depth of front yard.

- | | | |
|-----|-------------------------|---|
| (a) | Single-family dwellings | Twenty-five (25) feet |
| (b) | All other uses | Thirty-five (35) feet or greater if required by the board of zoning appeals |

(7) Minimum width of side yards.

- | | | |
|-----|-------------------------|---|
| (a) | Single-family dwellings | Eight (8) feet |
| (b) | All other uses | Thirty-five (35) feet or greater if required by the board of zoning appeals |

(8) Minimum depth of rear yard.

- | | | |
|-----|-------------------------|---|
| (a) | Single-family dwellings | Twenty-five (25) feet |
| (b) | All other uses | Thirty-five (35) feet or greater if required by the board of zoning appeals |

(9) Maximum lot coverage by all buildings.

- | | | |
|-----|-------------------------|--------------------------|
| (a) | Single-family dwellings | Thirty (30) percent |
| (b) | All other uses | Twenty-five (25) percent |

(10) Maximum number of principal buildings.

- (a) Single-family dwellings One (1) principal building
- (b) All other uses None providing the provisions of §§ 14-602(4) through 14-602(9) are met

(11) Maximum height. (a) No structure shall exceed three stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(12) Accessory buildings. Accessory buildings shall conform to the following standards:

(a) No accessory building shall be utilized for human occupation.

(b) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(c) No accessory building shall extend into the required side yard.

(d) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.

(e) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard. (1981 Code, § 11.603)

14-604. R-3 Residential District (two-family). Within the areas designated R-3 (two-family) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply.

(1) Uses permitted. (a) Single-family dwellings.

(b) Two-family dwellings.

(c) Accessory buildings customarily incidental to the permitted use.

(d) Home occupations.

(e) Signs as permitted in § 14-1202.

(2) Special exceptions. The following uses are permitted an approval by the board of zoning appeals upon review of the criteria established herein.

(a) Uses permitted. (i) Public uses, including but not limited to municipal, state or federal uses such as schools, museums, office buildings, utilities.

- (ii) Churches.
- (iii) Private or parochial schools.
- (iv) Golf courses or country clubs.
- (v) Accessory buildings customarily incidental to the permitted use.
- (vi) Day care centers.
- (vii) Assisted living facilities.
- (viii) Nursing homes.

(b) Criteria for review. (i) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Millington.

(ii) All area, yard, density and parking requirements shall be met.

(iii) All site plan requirements, as set forth in § 14-1201 shall be submitted prior to consideration by the board. If approved, all modifications requested by the board of zoning appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(iv) The board of zoning appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include but not be limited to setbacks screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building materials, colors or similar considerations.

(3) Uses prohibited. Any use not specifically permitted or permitted as special exception by the board of zoning appeals shall be prohibited.

(4) Minimum lot area.

- (a) Single-family dwelling 6,500 sq. ft.
- (b) Two-family dwellings 10,000 sq. ft.
- (c) Public uses: 20,000 sq. ft. except as set forth below:

- (i) Schools, including parochial or private schools Five (5) acres plus one (1) acre for each one hundred (100), or fraction of one hundred (100) students over one hundred

- (d) Churches Two (2) acres
- (e) Golf courses and/or country clubs, including publicly owned Ten (10) acres

(5) Minimum lot width measured at the building line.

- | | | |
|------|---|---|
| (a) | Single-family dwellings | Sixty-five (65) feet |
| (b) | Two-family dwellings | Eighty (80) feet |
| (c) | Public uses: | One hundred (100) feet
except as set forth below: |
| | (i) Schools, including
parochial and private
schools | Three hundred (300) feet |
| (d) | Churches | Two hundred (200) feet |
| (e) | Golf Courses and/or country
clubs, including publicly owned | Two hundred (200) feet |
| (6) | <u>Minimum depth of front yard.</u> | |
| (a) | Single-family dwellings | Twenty-five (25) feet |
| (b) | Two-family dwellings | Twenty-five (25) feet or
greater if required by the
board of zoning appeals |
| (c) | All other uses | Fifteen (15) feet or greater
if required by the board of
zoning appeals |
| (7) | <u>Minimum width of side yards.</u> | |
| (a) | Single-family dwellings | Eight (8) feet |
| (b) | Two-family dwellings | Ten (10) feet |
| (c) | All other uses | Fifteen (15) feet or greater
if required by the board of
zoning appeals |
| (8) | <u>Minimum depth of rear yard.</u> | |
| (a) | Single-family dwellings | Twenty-five (25) feet |
| (b) | Two-family dwellings | Twenty-five (25) Feet |
| (c) | All other uses | Thirty-five (35) feet or
greater if required by the
board of zoning appeals |
| (9) | <u>Maximum lot coverage by all buildings.</u> | |
| (a) | Single-family dwellings | Thirty (30) percent |
| (b) | Two-family dwellings | Thirty (30) percent |
| (c) | All other uses | Twenty-five (25) percent |
| (10) | <u>Maximum number of principal buildings.</u> | |
| (a) | Single-family dwellings | One (1) principal building |
| (b) | Two-family dwellings | One (1) principal building |
| (c) | All other uses | None providing the
provision of §§ 14-603(4)
through 14-603(9) are met. |
| (11) | <u>Maximum height.</u> (a) No structure shall exceed three stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with provisions of all | |

pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(12) Accessory buildings. Accessory buildings shall conform to the following standards:

(a) No accessory building shall be utilized for human occupation.

(b) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(c) No accessory building shall extend into the required side yard.

(d) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.

(e) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard. (1981 Code, § 11.604, as amended by Ord. #1999-8, Aug. 1999)

14-605. R-4 Residential District (High Density). Within the areas designated R-4 (High Density) on the Zoning Map of the City of Millington, Tennessee the following provisions shall apply.

(1) Uses permitted. (a) Single-family dwellings.

(b) Two-family dwellings.

(c) Townhouse dwellings.*

(d) Multi-family dwellings.*

(e) Accessory buildings customarily incidental to the permitted use.

(f) Signs as permitted in § 14-1202.

* Subject to site plan approval by the planning commission as set forth in § 14-1201.

(2) Special exceptions. The following uses are permitted on approval by the board of zoning appeals upon review of the criteria established herein.

(a) Uses permitted. (i) Public uses, including but not limited to municipal, state or federal uses such as schools, museums, office buildings, utilities.

(ii) Churches.

(iii) Private or parochial schools.

(iv) Golf courses or country clubs.

(v) Accessory buildings customarily incidental to the permitted use.

- (vi) Day care centers.
- (vii) Assisted living facilities.
- (viii) Nursing homes.
- (b) Criteria for review. (i) The use requested is to be located on route designated as either an arterial or collector street on the Official Major Road Plan for Millington.
 - (ii) All area, yard, density and parking requirements shall be met.
 - (iii) All site plan requirements, as set forth in § 14-1201 shall be submitted. If approved, all modifications requested by the board of zoning appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.
 - (iv) The board of zoning appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building materials, colors or similar considerations.
- (3) Uses prohibited. Any use not specifically permitted or permitted as a special exception by the board of zoning appeals shall be prohibited.
- (4) Minimum lot area.
 - (a) Single-family 6,500 sq. ft.
 - (b) Two-family dwellings 10,000 sq. ft.
 - (c) Townhouse dwellings 11,500 sq. ft. for the first unit plus 2,500 sq. ft. for each additional unit shall be required for the overall development.
 - (d) Multi-family dwellings 11,500 sq. ft. plus for first unit plus 2,500 sq. ft. for each additional unit shall be required for the overall development.
 - (e) Public uses: 20,000 sq. ft. except as set forth below:
 - (i) Schools, including parochial and private schools Five (5) acres plus one (1) acre for each one hundred (100), or fraction of one hundred (100) students over one hundred
 - (f) Churches Three (3) acres

- (g) Golf courses and/or country clubs, including publicly owned Ten (10) acres
- (5) Minimum lot width measured at the building line.
- (a) Single-family dwellings Sixty-five (65) feet
- (b) Two-family dwellings Eighty (80) feet
- (c) Townhouse dwellings One hundred (100) feet lot width shall be required for the development, however, individual townhouse lots shall have 20 feet per unit plus required yards
- (d) Multi-family dwellings One hundred (100) feet
- (e) Public uses: One hundred (100) feet except as set forth below:
- (i) Schools, including parochial and private schools Two hundred (200) feet
- (f) Churches Two hundred (200) feet
- (g) Golf course and/or country clubs including publicly owned Two hundred (200) feet
- (6) Minimum depth of front yard.
- (a) Single-family dwellings Twenty-five (25) feet
- (b) Two-family dwellings Twenty-five (25) feet
- (c) Townhouse dwellings Twenty-five (25) feet
- (d) Multi-family dwellings Twenty-five (25) feet
- (e) All other uses Thirty-five (35) feet or greater if required by the board of zoning appeals
- (7) Minimum width of side yards.
- (a) Single-family dwelling Eight (8) feet
- (b) Two-family dwellings Ten (10) feet
- (c) Townhouse dwellings Ten (10) feet on end units, or any unit built without adjoining or common walls, Fifteen (15) feet on exterior boundaries
- (d) Multi-family dwellings Ten (10) feet on interior structures, fifteen (15) feet on exterior boundaries
- (e) All other uses Fifteen (15) feet or greater if required by the board of zoning appeals.
- (8) Minimum depth of rear yard.
- (a) Single-family dwellings Twenty-five (25) feet
- (b) Two-family dwellings Twenty-five (25) feet

- | | | |
|-----|------------------------|---|
| (c) | Townhouse dwellings | Twenty-five (25) feet |
| (d) | Multi-family dwellings | Thirty-five (35) feet or greater if required by the board of zoning appeals |
| (e) | All other uses | Thirty-five (35) feet or greater if required by the board of zoning appeals |
- (9) Maximum lot coverage by all buildings.
- | | | |
|-----|-------------------------|--------------------------|
| (a) | Single-family dwellings | Thirty (30) percent |
| (b) | Two-family dwellings | Thirty (30) percent |
| (c) | All other uses | Twenty-five (25) percent |
- (10) Maximum number of principal buildings.
- | | | |
|-----|----------------------|--|
| (a) | Single-family | One (1) principal building |
| (b) | Two-family dwellings | One (1) principal building |
| (c) | All other uses | None providing the provisions of §§ 14-604 through 14-604(9) are met |

(11) Maximum height. (a) No structure shall exceed three stories or thirty-five (35) feet in height except as set forth below:

This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line. In instances where the following criteria are met, maximum height of fifty (50) feet shall be allowed.

(i) The proposal shall receive certification that adequate fire protection measures are designed into the development as reviewed by the Millington Building Department and the Millington Fire Chief.

(ii) An allowable fire flow is assured and all necessary water line sizes, and proximity to fire hydrants is certified as adequate by the Millington Building Department and the Millington Fire Chief.

(iii) The proposal is located adjacent to an arterial or collector status street to ensure adequate accessibility of emergency vehicles.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(12) Accessory buildings. Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) No accessory building shall extend into the required side yard. (1981 Code, § 11.605, as amended by Ord. #1998-8, Aug. 1999)

14-606. R-5 Residential Mobile Home Park District. (1) Purpose and intent. These districts are designed to provide suitable areas for mobile home park residential development where appropriate urban services and facilities will be physically and economically feasible. These districts will be characterized by single-family mobile home dwellings in mobile home parks and accessory structures. These districts also include community facilities, public utilities and other uses which serve the residents of these districts.

- (2) Permitted uses. (a) Single-family Mobile Homes in mobile home parks.
- (b) Recreational vehicles in mobile home parks limited to temporary uses of a period not to exceed 30 days.
- (c) Mobile Home Park Offices.
- (d) Accessory buildings customarily incidental to the permitted use.
- (e) Signs are permitted in § 14-1202.
- (3) Uses prohibited. Any use not specifically permitted is prohibited.

(4) Minimum lot size.
Mobile Home Parks

Eight (8) acres minimum with a minimum 4,500 square foot site for each dwelling unit. Ten (10) percent of the park area will be set aside for recreation and open space requirements. No portion of the 4,500 sq. foot site will count toward the ten percent open space requirement

(5) Development requirements site-plan. All Mobile Home Parks developed in Millington shall meet certain development requirements. A site plan drawn by a licensed engineer bearing a certificate that the final plan as shown is true and correct and shows the development requirements will be met and will be submitted to the planning commission. This site plan shall include the following information.

- (a) Exterior yards. No mobile homes or recreation vehicles will be situated in land adjacent to the boundaries of the mobile home park as set forth below.

(i) Street frontage setbacks. Mobile homes in the mobile home park will be setback a minimum of 50 feet from any public street.

(ii) Side and rear yard setbacks. Mobile homes will be set back a minimum of 30 feet from the side and rear boundary.

(b) Mobile home park screening. There will be screening along the side and rear lot lines. The screening will either be a five (5) foot wide greenstrip with evergreen plants at least five (5) foot tall or a fence of a minimum height of six (6) foot. The fence will be designed to totally block visibility of the development even when the viewer is moving.

(c) Mobile home plot. The site plan will show that there is a plot for each mobile home with a minimum size of 4,500 square feet and that each plot shall front on a street which is part of the mobile home park street system.

(i) Front yards setback for individual mobile home plots shall be a minimum of twenty-five (25) feet.

(ii) Side yards setback for individual mobile home plots shall be a minimum of ten (10) feet. When the parking area for the unit is in the side yard thirty (30) feet additional setback will be required.

(iii) Rear yards setback for individual mobile home plots shall be a minimum of fifteen (15) feet.

(iv) Location of mobile homes on plot. (A) All mobile homes permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, § 68-45-103. Each concrete pad shall be a minimum of 10 feet wide.

(B) All mobile homes moved into any mobile home park, existing or new, after the effective date of this ordinance shall be underskirted to prevent the accumulation of refuse and rodents.

(v) Location of accessory buildings. One accessory building not to exceed 150 square feet may be located with each trailer but shall be located at least 10 feet from the principal trailer. In addition, the accessory building shall conform to the following standards.

(A) No accessory building shall be utilized for human occupation.

(B) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(C) No accessory building shall extend into the required side yard.

(D) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.

(E) No accessory building shall exceed twenty (20) feet in height.

(d) Street system. (i) The internal street system shall consist of paved streets with a paved surface a minimum of 22 feet wide measured from the edge of the paved surface to the edge of the paved surface.

(ii) The construction standards for the streets are shown: The sub-base shall consist of six (6) inches of crush run, per the subdivision regulation standards, covered by two (2) inches of asphalt.

(e) Water lines shall be a minimum six (6) inch watermain looped for adequate water pressure for fire protection with fire hydrants every five hundred feet and shall be approved by the water and sewer department.

(f) Sewer lines shall be a minimum eight (8) inch sewer pipe, with four (4) inch force mains where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the water and sewer department.

(g) Sidewalks. Three-foot wide concrete or asphalt sidewalks will be provided from mobile home spaces to the mobile home park office. The sidewalks shall be three inches thick to prevent cracking.

(h) Paved parking. All trailer plots shall provide a minimum of 400 sq. feet of paved parking area.

(i) Drainage plan. Shall be prepared by a licensed engineer and approved by the city engineer.

(6) Regulations for establishment of mobile home parks.

(a) Planning commission approval of site plan. (i) The applicant desiring to establish a mobile home park will submit a site plan of the proposed development, along with proof of ownership of the site, as set forth in § 14-1201.

In addition to the site plan information required in § 14-1201, the location of the trailer park and the boundaries of the trailer plots will be indicated.

(ii) The planning commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of

proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

(b) Licenses and license fees. (i) No mobile home may be located in the City of Millington unless the same shall be in an approved and duly licensed Mobile Home Park.

(ii) It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Millington any mobile home park unless such person shall first obtain a license for that park.

(iii) Licenses shall not be transferred.

(iv) The annual license fee for each mobile home park shall be established by the board of mayor and aldermen of the City of Millington.

(v) The license shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

(c) Application for license. Applications for a mobile home license shall be filed with and issued by the building inspector. Applications shall be in writing signed by the applicant and shall contain the following:

(i) The name and address of the applicant.

(ii) The location and legal description of the mobile home park.

(iii) A complete plan with specifications of all buildings and other improvements constructed or to be constructed within the mobile home park shall be provided. The sketch shall be drawn to scale showing the number and arrangement and size of mobile home plots, pads, parking, roadways, water supply, water outlets location and type of sewage and garbage disposal and location of recreation other facilities.

(iv) Such further information as may be requested by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The building inspector, and the health officer shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of the zoning ordinance, the building inspector shall approve the application and upon completion of park according to the plans, shall issue the license.

(d) Revocation of license. The building inspector shall make periodic inspection of the park to ensure compliance with the zoning ordinance. In case of non-compliance with any provisions of the zoning ordinance, the health officer and/or building inspector shall serve

warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the health officer and building inspector shall have the authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

(7) Register of mobile homes. It shall be the duty of the licensee to keep a register containing a record of all mobile home owners located within the park. The register shall contain the following information:

- (a) The make, model and year of all mobile homes;
- (b) Owner and lessee of each mobile home;
- (c) The dates of arrival and departure of each mobile home or recreational vehicle. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

(8) Non-conforming mobile home parks. All additions or improvements to an existing non-conforming mobile home park, shall be conforming with these regulations. (1981 Code, § 11.606, as amended by Ord. #1999-9, Aug. 1999)

14-607. PRD - Planned Residential District. Within the areas designated PRD (Planned Residential Development) Districts on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply.

For the purposes of this Ordinance the PRD shall represent an overlay zoning carrying the use restrictions of the underlying residential district. The intent of this zoning classification shall be to promote flexibility in the design of a planned residential development in order to encourage innovative design, better utilize properties for which design under the normal district regulations would be either difficult or unproductive and promote the provision of amenities that would improve the quality of life for the residents.

A request for Planned Residential designation shall involve four separate and distinct steps.

Review and recommendation by the planning commission of a preliminary site plan for Planned Residential Development and an accompanying request for rezoning.

Review and zoning action by the board of mayor and aldermen.

Review and approval by the planning commission of a final site plan for Planned Residential Development.

Approval by the board of mayor and aldermen of a development contract with the city and posting of a performance bond prior to recording of the plat of the Planned Residential Development.

The PRD would allow the full density of the zoning district to be realized while protecting the integrity of the surrounding development. In reviewing a plan submitted as a proposed PRD, the planning commission will evaluate and

weigh the benefits to the residents and the community, as reflected in the provision of green space, pedestrian areas, parks or other amenities, against the benefits to the developer in the form of reduced infrastructure costs and greater yield. The planning commission, in its review, may require the inclusion of features not normally found in areas not designated for PRD development.

(1) Uses permitted. The PRD Planned Residential District may be utilized within areas zoned R-1 Residential District (Low Density), R-2 Residential District (Medium Density), R-3 Residential District (two-family), and R-4 Residential District (High Density).

Permitted uses shall include all permitted uses as set forth in the underlying district.

(2) Special exceptions. Special exceptions are permitted only on approval by the board of zoning appeals as set forth in the underlying district in the sections entitled "Special Exceptions."

No uses shall be allowed except as set forth in this chapter.

(3) Uses prohibited. Any use not specifically permitted or permitted as a special exception by the board of zoning appeals is prohibited.

(4) Minimum lot area. There shall be no requirement for minimum land area under single ownership in a Planned Residential District at the time of rezoning. Individual residential lot sizes will not be regulated provided that the underlying zone district density is maintained. These densities are as follows:

PRD - R-1	4.4 units per acre
PRD - R-2	6.7 units per acre
PRD - R-3	6.7 single units per acre 8.7 two-family units per acre
PRD - R-4	6.7 single units per acre 8.7 two-family units per acre 13.8 Townhouses/multi-family units per acre

All other uses shall conform to the lot size required in the underlying district.

(5) Minimum lot width measured at the building line. No minimum lot width for individual residential lots shall be required. However, the Planned Residential Development shall front a public street for a minimum of 100 feet.

(6) Minimum depth of front yard.

- (a) Adjacent to a collector or arterial street Fifty (50) feet
- (b) Adjacent to a minor residential street Twenty (20) feet

(7) Minimum width of side yards. There shall be a minimum side yard along the boundary of the Planned Residential Development of twenty-five (25) feet.

Within the twenty-five (25) foot periphery boundary, the developer shall provide buffering, screening and/or landscaping as approved by the Millington planning commission. The planning commission shall have the authority to reduce the twenty-five (25) foot boundary when such buffering, screening and/or landscaping proposals are adequate to justify a reduction, however, the periphery boundary shall in no case be reduced to less than ten (10) feet.

Within the Planned Residential Development there shall be provided a ten (10) foot minimum side yard per multi-family dwelling structure and a five (5) foot minimum side yard per structure. This provision shall not be construed to allow any residential type use not allowed in the underlying district.

(8) Minimum depth of rear yard. Within the Planned Residential Development, the minimum rear yard requirement shall be ten (10) feet, except where a larger rear yard is required to meet the boundary requirement of the PRD stated in § 14-607(7) above.

(9) Maximum lot coverage by all buildings. The maximum lot coverage by all buildings in the Planned Residential Development shall be thirty-five (35) percent.

(10) Maximum number of principal buildings. No maximum.

(11) Maximum height. (a) No structure shall exceed three stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(12) Accessory buildings. Accessory buildings shall be permitted in a Planned Residential Development, provided that all accessory buildings on each lot shall be constructed of the same type building materials as the principal structure on said lot and provided that all setback requirements are met.

(13) Streets and utilities.

Streets. Within the Planned Residential Development, each building lot shall be provided with frontage on an approved public street, an approved private street, or access easement. All public and private streets shall meet the standards set forth in the Millington Subdivision Regulations with the following exceptions:

(a) Within a Planned Residential Development (PRD), variations are permitted from the standard street design as follows:

(i) Where standard 6"-30" curbs and gutters will be used, a minimum thirty-one (31) foot ROW is required with thirty (30) feet of paved surface, as measured from curb face to curb face.

(ii) Where "valley" curb and gutters design is used, a minimum thirty-one (31) foot ROW is required, with thirty (30) feet of paved surface, as measured from curb to curb.

(b) Cul-de-sacs will be developed under the existing guidelines of the Millington Subdivision Regulations with the following exception: any cul-de-sac less than 300 feet in length, as measured from the center of the radius of the turn-around to the center of the intersecting street, may be developed with a paved radius of thirty (30) feet and a ROW of thirty and one-half (30.5) feet. Such cul-de-sac must be developed so that it cannot be extended in the future. Cul-de-sacs equal to or greater than 300' in length shall be constructed according to the Millington Subdivision Regulation Standards, and shall have a fifty and one-half foot (50.5) paved radius with fifty-one (51) feet of ROW.

(c) Sidewalks are also required unless otherwise approved by the planning commission, in accordance with Article IV, Section H, of the Millington Subdivision Regulations. The planning commission may vary location and design of sidewalks.

(d) All other design standards and construction standards set forth in the Millington Subdivision Regulations shall be met.

Utilities

Within a Planned Residential Development, adjacent to all property lines and rights-of-way, including the periphery boundary, a five (5) foot utility easement, shall be provided, unless otherwise approved by the planning commission. Easements are also required along drainage ways, with the appropriate width to be determined by the city engineer.

All utilities installed in a Planned Residential Development shall be extensions of public lines, and shall be in conformance with the standards adopted by the Millington Public Works Department. All utilities shall be located within the required utility easements noted above. The planning commission reserves the right to require additional easements and rights-of-way if deemed necessary for the health, safety, and welfare of Planned Residential Development residents.

(14) Criteria for review and processing. (a) The planning commission shall review the preliminary site plan for a Planned Residential Development. Approval of the preliminary plan by the planning commission shall constitute a recommendation to the board of mayor and aldermen to rezone to PRD any property included in the plan and to approve the preliminary development plan as submitted. Contents of preliminary site plan shall include:

(i) Name of proposed development and/or address.

(ii) Vicinity map showing the relationship of the proposed development to the City of Millington.

(iii) Name, address, and phone number of owner of record and the applicant.

- (iv) Total land area.
- (v) Scale of not less than 1" = 100'.
- (vi) Present zoning of the site and abutting property.
- (vii) Date and north point.
- (viii) Right-of-way and improvements of abutting streets.
- (ix) All building restricting/setback lines, easements, reservations and rights-of-way.
- (x) Contours at two foot elevations if necessary to illustrate the design.
- (xi) A schematic storm water management plan.
- (xii) The location of the following when existing or proposed:
 - (A) Streets, alleys and easements.
 - (B) Building and structures where applicable.
 - (C) Availability of public water and sewer.
 - (D) Driveways, entrances, and sidewalks and garbage collection site for multi-family developments.
 - (E) Recreational areas, and swimming pools.
 - (F) Natural and artificial water courses.
 - (G) Limits of flood plains if any.
 - (H) Estimates of the following when applicable:
 - (1) Number of dwelling units.
 - (2) Number of off-street parking spaces.
 - (3) Number of garage parking spaces.

(b) The Millington board of mayor and aldermen shall, following the provisions of the zoning ordinance, consider the request for rezoning to PRD. If any change to or departure from the preliminary plan approved by the planning commission is proposed, the board of mayor and aldermen shall not take action regarding such change or departure until after review thereof and recommendation by the planning commission.

(c) Submission for review and approval by the planning commission of a final site plan for Planned Residential Development. Criteria for final site plan reviews shall include submission of all site plan requirements as set forth in section 14-1201 prior to review by the planning commission.

(d) If the final plan is approved by the planning commission, the approval shall be forwarded to the board of aldermen for approval of a contract for development setting the amount of bonds to be posted before the plan is recorded. The final site plan shall be maintained in the permanent files of the City of Millington. (1981 Code, § 11.607, as replaced by Ord. #2004-9, May 2004)

14-608. R-LL Residential District (Large Lot). Within the areas designed R-LL (Large Lot) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

- (1) Uses permitted. (a) Single-family dwellings.
 - (b) Accessory buildings customarily incidental to the permitted use.
 - (c) Signs as permitted in § 14-1202.
- (2) Special exceptions. The following uses are permitted on approval by the board of zoning appeals upon review of the criteria established herein:
 - (a) Uses permitted. (i) Public uses, including, but not limited to municipal, state or federal uses such as schools, museums, office buildings, utilities.
 - (ii) Churches.
 - (iii) Private or parochial schools.
 - (iv) Golf courses or country clubs.
 - (v) Accessory buildings customarily incidental to the permitted use.
 - (b) Criteria for review. (i) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Millington.
 - (ii) All area, yard, density and parking requirements shall be met.
 - (iii) All site plan requirements, as set forth in § 14-1201 shall be submitted. If approved, all modifications requested by the board of zoning appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.
 - (iv) The board of zoning appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking, location and layout, access and general landscaping requirements. This power of review shall include the authority to specify or alter the architectural style of proposed buildings, colors or similar considerations.
- (3) Uses prohibited. Any use not specifically permitted or permitted as a special exception by the board of zoning appeals shall be prohibited.
- (4) Minimum lot area.

(a) Single-family dwellings	Two (2) acres
(b) Public uses:	Two (2) acres except as set forth below:
(i) Schools, including parochial or private	Five (5) acres plus one (1) acre for each one hundred

- | | | |
|------|---|--|
| | schools | (100), or fraction of one hundred (100) students over one hundred (100) |
| | (c) Churches | Three (3) acres |
| | (d) Golf courses and/or country clubs, including publicly owned | Ten (10) acres |
| (5) | <u>Minimum lot width measured at the building line.</u> | |
| | (a) Single-family dwelling | One hundred seventy five (175) feet |
| | (b) Public uses: | One hundred seventy five (175) feet except as set forth below: |
| | (i) Schools, including parochial and private schools | Three hundred (300) feet |
| | (c) Churches | Two hundred (200) feet |
| | (d) Golf courses and/or country clubs, including publicly owned | Two hundred (200) feet |
| (6) | <u>Minimum depth of front yard.</u> | |
| | (a) Single family dwelling | Thirty five (35) feet |
| | (b) All other uses | Forty (40) feet or greater if required by the board of zoning appeals |
| (7) | <u>Minimum width of side yards.</u> | |
| | (a) Single-family dwellings | Fifteen (15) feet |
| | (b) All other uses | Twenty (20) feet or greater if required by the board of zoning appeals |
| (8) | <u>Minimum depth of rear yard.</u> | |
| | (a) Single-family dwelling | Thirty (30) feet |
| | (b) All other uses | Forty (40) feet or greater if required by the board of zoning appeals |
| (9) | <u>Maximum lot coverage by all buildings.</u> | |
| | (a) Single-family dwellings | Thirty (30) percent |
| | (b) All other uses | Twenty-five (25) percent |
| (10) | <u>Maximum number of principal buildings.</u> | |
| | (a) Dwellings | One (1) principal building |
| | (b) All other uses | None providing the provisions of §§ 14-608(4) through 14-608(9) are met. |

(11) Maximum height. (a) No structure shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and televisions antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided they are located a distance equal to their height plus ten (10) feet from the nearest property line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(12) Accessory buildings. Accessory buildings shall conform to the following standards:

(a) No accessory building shall be utilized for human occupation.

(b) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(c) No accessory building shall extend into the required side yard.

(d) Accessory buildings may extend into the rear yard and shall be located a distance from the rear property line equal to the height of the structure.

(e) Accessory buildings shall not cover more than thirty (30) percent of the required yard.

(f) Any and all accessory buildings must be built of the same type construction and the same materials as the principal building. (Ord. #1997-3, May 1997)

14-609. Prohibition of towers for commercial mobile communications services. No tower for use by or in connection with commercial mobile communications services shall be permitted in any district zoned for residential use, either by right or under a special exception. (Ord. #1997-17, Feb. 1998)

14-610. A Agricultural District. Within the areas designated "A Agricultural District" on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

(1) Uses permitted. Property and buildings in an "A" district shall be used only for the following purposes:

(a) Forestry and agricultural uses.

(b) Single family dwellings.

(c) Parks and public buildings.

(d) Roadside stands, offering for sale only farm products which are produced upon the premises.

(e) Public bulletin board or temporary signs not exceeding 20 square feet in area, pertaining only to the lease, hire or sale of a building on the premises or of the premises, or the sale of products grown and sold on the premises; provided, however, that not more than one sign of the above character shall be permitted on any lot or tract.

(f) Public utilities, including water treatment plants, sewage treatment plants and electrical plants.

(g) Customary home occupations.

(h) Accessory buildings, including a private garage, satellite antennae, swimming pool and accessory uses customarily incidental to the above uses, but not involving the conduct of a business unless otherwise specified.

(i) Accessory buildings, other than roadside stands, may not be built in front yards and shall not occupy more than forty (40%) percent of the required rear yard. Roadside stands shall not protrude onto the right-of-way of any street.

(ii) Accessory buildings located in a rear yard shall not be nearer than ten (10) feet to any rear lot line.

(iii) Accessory buildings may be built in side yards but shall not be nearer than ten (10) feet to any side lot line.

(2) Uses permitted on appeal. Following public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit the following uses:

(a) Public schools, institutions of higher learning and parochial or private schools having a curriculum similar to that ordinarily given in public schools and having no rooms regularly used for housing or sleeping purposes, except staff quarters located on the premises of the school.

(b) Cemeteries, including mausoleums; provided that mausoleums shall be at least two hundred (200) feet from every street line and adjoining lot lines.

(c) Private clubs, except skeet and gun clubs and those the chief activity of which is a service customarily carried on as a business.

(d) Riding stables, veterinarian hospitals or clinics, large animals, or the keeping of small animals; provided that any building or enclosure housing animals shall be located at least one hundred (100) feet from all property lines.

(e) Grain elevators or similar storage structures, including buildings for seasonal or temporary storage of grain.

(f) Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided, however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, may occupy not over twenty percent (20%) of the total area of the lot, and providing that the buildings shall be set back from all lot lines a distance of not less than fifty (50) feet.

(g) Churches and other places of worship.

(3) Height regulations. (a) No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the city fire chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.

(b) No accessory building shall exceed twenty-five (25) feet in height.

(c) Free-standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennae (other than satellites) and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

(d) These provisions shall not apply to chimneys, residential antennae of less than fifty (50) feet, church spires, belfries, cupolas and domes which are not intended for human occupancy.

(4) Area regulations. (a) Lot area. (i) Single family dwellings. Where public water and sewer are available, every lot or tract of land shall have an area of not less than twenty thousand (20,000) square feet and a width of not less than one hundred (100) feet at the property line. (On permanent dead-end streets with a cul-de-sac turnaround, the lot width at the building line may be reduced to fifty (50) feet).

(ii) Other uses. Every lot shall have an area of not less than one (1) acre and a width of not less than one hundred (100) feet at the building line.

(iii) Where public water and/or sewer are not available, additional lot area may be required to meet the requirements of Shelby County Health Department regulations.

(b) Front yard. (i) There shall be a front yard having a depth of not less than forty (40) feet.

(ii) On double frontage and corner lots, there shall be a front yard on each street, provided, however, that the buildable width of a corner lot of record at the time of passage of this section need not be reduced to less than thirty (30) feet.

(iii) Any fence, wall or hedge may be permitted in any front yard, however, in any required front yard, however, in any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half (2 1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard

between the heights of two and one-half (2 1/2) feet and ten (10) feet. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(iv) An, open unenclosed porch or paved terrace may project in to a front yard for a distance not exceeding ten (10) feet.

(c) Side yard. There shall be a side yard on each side of a building in accordance with the following minimum requirements:

(i) On each side of a single family dwelling, there shall be a side yard having a width of not less than fifteen (15) feet.

(ii) All other main buildings shall provide a side yard on each side having a width of not less than twenty-five (25) feet.

(iii) Attached terraces, uncovered porches, unenclosed carports, heating and air conditioning units, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be at least ten (10) feet from the adjacent lot line.

(d) Rear yard. (i) There shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20%) percent of the depth of the lot, whichever amount is smaller, provided that not rear yard shall be less than twenty-five (25) feet in depth.

(ii) Every part of the required rear yard shall be open to the sky except for permitted accessory buildings and projections. An open unenclosed porch or balcony may project into a required rear yard for a distance not exceeding ten (10) feet.

(5) Off-street parking. Off street parking shall be in accordance with § 14-1203 of the Millington Municipal Code. (as added by Ord. #2003-2, April 2003, and amended by Ord. #2014-16, Nov. 2014)

CHAPTER 7

COMMERCIAL DISTRICT PROVISIONS

SECTION

- 14-701. B-1 Neighborhood Commercial District.
- 14-702. B-2 General Commercial.
- 14-703. P-C Planned Commercial District.
- 14-704. "O" Office District.

14-701.B-1 Neighborhood Commercial District. Within the areas designated B-1 (Neighborhood Commercial) on the Zoning Map of the City of Millington, Tennessee the following provisions shall apply:
Tennessee, the following provisions shall apply:

(1) Chart one permitted uses.

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
RESIDENTIAL AND AGRICULTURAL																		
Equestrian and Agricultural	P																	
Agricultural and agricultural related activities, excluding stockyards and live animals															P	A		
Single family dwellings	P	P	P	P	P	P												
Two-family dwellings																		
Townhouse dwellings																		
Multi-family dwellings																		
Mobile homes and mobile home parks							S											
Recreational vehicles in mobile home parks not to exceed 30 days							S											
Public Uses, Parks and Public Buildings and services	P	P	P	P	P	P		P							P	P	P	
Roadside stands, offering for sale produce produced on the premises	P																	
Public board or temporary signs	P																	
Public Utilities	P																	
Accessory Buildings	P	P	P	P	P	P		P										
Public and Private Schools	A	A	A	A	A	A		A							P	S	S	
Business and Professional Schools																		
Dormitories and other lodging related to a Business or Professional School																		
Cemeteries	A																	
Public works, including fire stations	A																	
Public works, including fire stations or clinics, large animals, or the keeping of small animals	A																	
Gran elevators or similar storage facilities	A																	
Hospitals and institutions of an educational, religious, charitable or therapeutic nature	A																	
Clubhouses, places of worship	A	A	A	A	A	A		A										
Golf Courses or Country Clubs	A	A	A	A	A	A		A										
Day care centers																		
Assisted living facilities																		
Nursing Homes																		
NON RESIDENTIAL USES																		
Personal Services including:																		
Self-service laundry																		
Dry cleaning pickup and delivery services																		
Beauty and Barber services																		
Shoe repair																		

Chart 1 Page 1
8/16/18

P Permitted Use
A Use permitted on appeal by BSA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Apparel repair and alterations											\$	\$	\$						
Bank											\$	\$	\$	\$					
Kindergartens and child care homes											\$	\$	\$	\$					
Retail trade, including:																			
Building materials, hardware and farm equipment												\$			\$				
General merchandise																			
Food and groceries																			
Automotive, marine craft, aircraft and accessories, excluding auto junk yards												\$	\$	\$	\$	\$	\$		
Automotive, marine craft, aircraft and accessories, limited to tires, batteries and accessories, and Gasoline service stations												\$	\$	\$	\$	\$	\$		
Apparel and accessories												\$	\$						
Furniture, home furnishings and equipment												\$	\$						
Eating and drinking											\$	\$	\$	\$	\$	\$	\$		
Other retail trade												\$	\$						
Other retail trade limited to Drug and proprietary, book and stationary											\$	\$	\$	\$					
Services, including:																			
Offices											\$	\$	\$	\$	\$	\$	\$		
Finance, insurance and real estate											\$	\$	\$	\$	\$	\$	\$		
Personal services											\$	\$	\$	\$	\$	\$	\$		
Business services											\$	\$	\$	\$	\$	\$	\$		
Businesses services limited to: Dwelling and other building services; Research development and testing; Equipment renting and leasing; Automotive and truck renting; and Electronic configuration and/or services																\$	\$		
Funeral Home												\$							
Personal storage, limited												\$							
Repair services excluding tire recapping services												\$							
Automobile repair and wash services												\$	\$						
Electrical and electronic devices												\$	\$	\$	\$	\$	\$		
Professional services											\$	\$	\$	\$	\$	\$	\$		
Professional services limited to: medical laboratories; dental laboratory and other medical and health services															\$	\$	\$		
Contract construction services											\$	\$			\$	\$	\$		
Contract construction services office											\$	\$			\$	\$	\$		
Educational services											\$	\$			\$	\$	\$		
Veterinary Hospital or Clinic, Small Animal											\$	\$	\$	\$	\$	\$	\$		

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BCA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Miscellaneous services												S							
Mini Storage												A	A						
Amusements												S				P			
Recreational activities												S	S						
Transient Lodging: Motels, Hotels and Tourist Courts												S	S						
Public Assembly												S							
Taxicab business, storage and garage												S	S						
Sexually oriented businesses												S							
Cultural Entertainments and Recreation												S	S						
Motion picture theatres												S	S						
Recreational activities limited to sports, recreational centers, gymnasiums and athletic clubs												S							
Manufacturing, including Apparel and other products made from fabrics, leather and similar products, excludes leather tanning and finishing																			
Food, beverage and kindred products																			
Furniture and fixtures																			
Printing, publishing and allied industries																			
Paper and allied products, limited to paperboard containers and boxes																			
Drug manufacturing																			
Fabricated metal products, excluding stamping																			
Fabricated metal products																			
Textile mill products																			
Rubber and miscellaneous plastic products																			
Professional, scientific and controlling instruments; electronic configuration and repair; Photographic and optical goods; and watches and clocks manufacturing																			
Lumber and wood products																			
Chemical and allied products limited to Drugs, soap, detergents and cleaning preparations																			
Chemical and allied products																			
Stone, Clay and glass products																			
Petroleum refining and related industries																			
Primary metal limited to rolling, drawing and extruding of ferrous and non-ferrous metals																			
Transportation Communication and Utilities																			

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a site plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Airport and Aviation Related Uses																			
Communication															S	S	S		
Communication towers	A											A			A	A	A	A	
Utilities																			
Motor vehicle transportation													A						
Other communication															S				
Wholesale trade limited to:																			
Motor vehicles and automotive equipment, excluding auto salvage and junkyards															S	S	S	S	
Drugs, drug proprietaries and druggists supplies															S	S	S	S	
Drugs, chemicals and allied products																S	S	S	
Dry goods and apparel															S	S	S	S	
Farm products excluding live animals																S	S	S	
Groceries, beverages and related products															S	S	S	S	
Electrical and electronic goods															S	S	S	S	
Hardware, plumbing, heating equipment and supplies															S	S	S	S	
Machinery, equipment and supplies																S	S	S	
Metals and minerals, excluding petroleum products																S	S	S	
Office, paper and paper products																S	S	S	
Lumber and construction materials																S	S	S	
Other Wholesale not listed, excluding: Metals, plastic and minerals; Petroleum bulk stations and terminals; Scrap and waste metals; and Livestock or live animals															S	S	S	S	
Other Wholesale trade limited to petroleum bulk stations and terminals and wholesale scrap and waste materials																		S	
Warehousing and Storage services excluding stockyards																S	S	S	
OTHER																			
Signs as permitted in Section 14-202	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
United States Government uses at the sole discretion and pleasure of the military authority in charge																			P
Planned Residential District			S	S	S	S	S												
Mixed Use Planned Developments			S	S	S	S	S					S	S						

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a site plan approval

(2) Chart two, district and use bulk regulations.

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
A Agricultural District								
Single Family Detached Dwelling	20,000 *	100	40	15	25 **	35	2.18	0
Agriculture	One acre	100	40	25	25 **	45	n/a	0
Other	One acre	100	40	25	25 **	45	n/a	0
R-O Residential District								
Single Family Detached Dwelling	15,400	110	35	10	30	35	2.83	30
Public Uses	20,000	110	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-1 Residential District								
Single Family Detached Dwelling	6,500	80	30	10	30	35	6.7	30
Public Uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-2 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Public Uses	20,000	100	35	35	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	35	35	35	n/a	25
Churches	3 acres	200	35	35	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	35	35	35	n/a	25
R-3 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Public Uses	20,000	100	15 35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	15 35	15	35	35	n/a	25
Churches	2 acres	200	15 35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	15 35	15	35	35	n/a	25
Day Care Centers			15 35	15	35	35	n/a	25
Assisted Living Facilities			15 35	15	35	35	n/a	25
Nursing Homes			15 35	15	35	35	n/a	25
R-4 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Townhouse dwellings	11,500 #	100	25	10/15 ###	25	35	12.82	25
Multi-family dwellings	11,500 #	100 ##	25	10/15 ###	35	35	12.82	25
Public Uses	20,000	100	35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	15	35	35	n/a	25
Churches	2 acres	200	35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	15	35	35	n/a	25
Day Care Centers			35	15	35	35	n/a	25
Assisted Living Facilities			35	15	35	35	n/a	25
Nursing Homes			35	15	35	35	n/a	25
R-5 Residential Mobile Home Park								
Entire development	8 acres		50	30	30	35	n/a	
Single family mobile homes and recreational vehicles	4,500 per unit		25	10	15	35	n/a	n/a
Office			50	30	30	35	n/a	n/a
R-LL Residential District								
Single Family Detached Dwelling	2 acres	175	35	15	30	35	0.5	30
Public Uses	2 acres	175	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
B-1 Neighborhood Commercial								
Permitted commercial and office uses	0	0	30	10/20 ^	30	35	n/a	25
Public uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25

Chart 2 Page 1

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
Churches	2 acres	200	40	20	40	35	n/a	25
B-2 General Commercial	0	0	50	10/0^^	20/25 ^^^	35		45
P-C Planned Commercial								
Entire Development	5 acres	100'	n/a	n/a	n/a	n/a	n/a	n/a
Individual permitted uses	0	0	50	25	25	35	n/a	0
O Office	0	0	50	10/0+	20/25 ^^^	35		0
M-1 Light Industrial	0	0	40	20/40++	20/40 ^^	50	n/a	50
M-2 General Industrial	0	0	50	25/40 +++	25/40 +++	50	n/a	65
M-P Planned Industrial	0	0	50	25/40 +++	25/40 +++	50	N/A	65
M-3 Restricted Industrial	0	0	50	50/100	50/100	50	n/a	35
M-T Military Zone	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Veterans Parkway Corridor Overlay								
R-4 Residential (townhouse only)	11,500 #	100	0	10/15 ###	25		12.82	25
B-1 Neighborhood Commercial	0	0	0	10/20 ^	30	35	n/a	25
B-2 General Commercial	0	0	10	10/0^^	20/25 ^^^	35		45
P-C Planned Commercial (individual permitted uses)	0	0	10	25	25	35	n/a	0
O Office	0	0	10	10/0+	20/25 ^^^	35		0
M-1 Light Industrial	0	0	20	20/40++	20/40 ^^	50	n/a	50
M-P Planned Industrial	0	0	30	25/40 +++	25/40 +++	50	n/a	65

- * Where no public sewer is provided the lot size shall be increased to meet Health Department regulations.
- ** Not less than 30' or 20% of the lot depth, whichever is smaller, provided in no case shall it be less than 25'.
- *** 5 acres plus one acre for each one-hundred or fraction of one-hundred students over one-hundred.
- # 11,500 square feet (sq. ft.) for the first unit, plus 2,500 sq. ft. for each additional unit.
- # 100' for the development and each townhouse lot shall have 20' for frontage.
- ## 10' on end or internal units and 15 where it borders an adjacent property.
- ### 10' where it is adjacent to commercial and 20' where it is adjacent to residential.
- ^ 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where these uses are adjacent to residential the side yard shall be the greater of 10' or the side yard in the adjacent residential zoning.
- ^^ The rear yard is 20' adjacent to commercial and 25' adjacent to residential.
- ^^^ 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where the use is adjacent to residential, the side yard shall be the same as the adjacent residential zoning plus 15'.
- ++ 20' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.
- +++ 25' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.

(3) Maximum number of principal buildings.

All Uses

None providing the provision of §§ 14-701(4) through 14-701(9) are met

(4) Accessory buildings. Accessory buildings shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side yard.

(c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structures.

(d) Accessory buildings shall not cover more than thirty (30) percent of required rear yard.

(5) Site plan and design review. Prior to the issuance of a building permit all site plan requirements as set forth in § 14-1201 and all design review requirements as set forth in § 14-1201 shall be submitted for review by the planning commission. If approved, any modification required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(6) Enclosure requirements. All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses which by their nature must exist outside a building.

(7) Exterior storage. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same material from which the principal use is constructed.

(8) Prohibition of towers for commercial mobile communications services. No tower for use by or in connection with commercial mobile communications services shall be permitted in B-1 Districts, either by right or under a special exception. (1981 Code, § 11.701, as amended by Ord. #1997-17, Feb. 1998, Ord. #2015-14, Sept. 2015, and Ord. #2018-12, Aug. 2018)

14-702. B-2 General Commercial. The B-2 (General Commercial) District shall be considered a general highway oriented commercial-service oriented district. Within the areas designated B-2 (General Commercial) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply.

(1) Uses permitted. (a) Wholesale trade except scrap and waste materials wholesale and auto junk yards wholesale

(b) Retail trade.

(i) Retail trade- building materials, hardware, and farm equipment

- (ii) Retail trade - general merchandise
- (iii) Retail trade - food
- (iv) Retail trade- automotive, marine craft, aircraft and accessories, except auto junk yards
- (v) Retail trade - apparel and accessories
- (vi) Retail trade - furniture, home furnishing and equipment
- (vii) Retail trade - eating and drinking
- (viii) Other retail trade
- (c) Services.
 - (i) Finance, insurance and real estate services
 - (ii) Personal services
 - (iii) Business services - excluding warehousing and storage services
 - (iv) Personal storage, when such storage is a subordinate use on the same lot as the principal use. Subordinate use shall mean the use shall occupy less square footage than the principal use. In addition, the following conditions must be met:
 - (A) Access to the storage units shall be through an individual interior door only. Exterior doors shall only allow access to the interior of the building;
 - (B) The following uses will be specifically prohibited:
 - (1) Food products storage.
 - (2) Agricultural products storage.
 - (3) Automobile, boats, and motor vehicles storage.
 - (4) Sales.
 - (5) Use as a work area.
 - (6) Commercial warehousing by 3rd party.
 - (7) Flammable products storage or explosive products.
 - (C) All storage shall be located within the personal building.
 - (v) Repair services except tire retreading.
 - (vi) Professional services.
 - (vii) Contract construction services.
 - (viii) Educational services.
 - (ix) Miscellaneous services.
 - (x) Mini-storage facilities for use by the public, provided the following conditions are met:
 - (A) Any lot on which a mini-storage facility is located shall be not less than 3 acres; and

(B) Plans for any mini-storage facility shall be subject to review and approval by the Millington Planning Commission.

- (xi) Veterinary hospital or clinic, small animal.
- (d) Amusements.
- (e) Recreational activities.
- (f) Transient lodging.
 - (i) Motels.
 - (ii) Tourist courts.
 - (iii) Hotels.
- (g) Public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings and utilities.
- (h) Educational services.
- (i) Miscellaneous services.
- (j) Public assembly.
- (k) Accessary buildings customarily incidental to the permitted use.
 - (l) Signs as permitted in § 14-1202.
 - (m) Taxicab business, storage and garage.

(2) Special exceptions. No uses are permitted on approval by the board of zoning appeals, except that towers for use by or in connection with commercial mobile communications services may be permitted in B-2 Districts upon such approval, subject to applicable provisions of this zoning ordinance.

(3) Uses prohibited. Any use not specifically permitted by the ordinance is prohibited.

- (4) Minimum lot area.
All uses except for mini-storage facilities No minimum providing all yard density, and parking requirements are met
- (5) Minimum lot width measured at the building line.
All uses No minimum providing all yard density and parking
- (6) Minimum depth of front yards.
All uses Fifty (50) feet
- (7) Minimum width of side yards.
All uses None provided that the structure abuts the side lot line. If the structure does not abut the side lot line it must be located ten feet from the side lot line. When adjacent to a residential district the

minimum side lot shall be that of the residential district.

- (8) Minimum depth of rear yard.
All uses

Twenty (20) feet provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of rear yard shall be twenty-five (25) feet

- (9) Maximum lot coverage by all buildings.
All uses

Forty-five (45) percent

- (10) Maximum number of principal buildings.

All uses

None providing the provisions of §§ 14-702(4) through 14-702(9) are met

- (11) Maximum height. (a) No structures shall exceed three (3) stories or thirty-five (35) feet in height except as set forth below:

This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio spires, and television antennas, water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

In instance where the following criteria area met, maximum height of fifty (50) feet shall be allowed.

- (i) The proposal shall receive certification that adequate fire protection measures are designed into the development as reviewed by the Millington Building Department and the Millington Fire Chief.

- (ii) An allowable fire flow is assured and all necessary water line sizes, and proximity to fire hydrants is certified as adequate by the Millington Building Department and the Millington Fire Chief.

- (iii) The proposal is located adjacent to an arterial or collector status street to ensure adequate accessibility of emergency vehicles.

- (b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

- (c) No accessory building shall exceed twenty (20) feet in height.

- (12) Accessory buildings. Accessory buildings shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side yard.

(c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.

(d) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

(13) Site plan and design review. Prior to the issuance of a building permit all site plan requirements as set forth in § 14-1201 and all design review requirements as set forth in § 14-1201 shall be submitted for review by the planning commission. If approved, any modification required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(14) Enclosure requirements. All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses which by their nature must exist outside a building.

(15) Exterior storage. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same material from which the principal use is constructed.

(16) B-2, Neighborhood Shopping Center. A group of commercial establishments planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves, with a minimum of four shops at a site containing more than two (2) acres.

(17) Uses permitted. (a) Retail trade.

(i) Retail trade - general merchandise.

(ii) Retail trade - food.

(iii) Retail trade - automotive, marine craft, aircraft and accessories.

(iv) Retail trade - apparel and accessories.

(v) Retail trade - furniture, home furnishing and equipment.

(vi) Retail trade - eating and drinking.

(vii) Other retail trade.

(b) Services.

(i) Finance, insurance and real estate services.

(ii) Personal services.

(iii) Business services - excluding warehousing and storage services.

(iv) Professional services.

(c) Amusements.

- (d) Recreational activities.
- (e) Accessory buildings customarily incidental to the permitted use.
- (f) Signs as permitted in § 14-1202.
- (18) Special exceptions. No uses may be permitted by the board of zoning appeals.
- (19) Uses prohibited. Any use not specifically permitted by the ordinance is prohibited.
- (20) Minimum lot area.
All uses Two (2) Acres
- (21) Minimum lot width measured at the building line.
All uses One Hundred (100) feet
- (22) Minimum depth of front yards.
All uses Fifty (50) feet
- (23) Minimum width of side yards.
All uses Twenty-five (25) feet
- (24) Minimum depth of rear yard.
All uses Twenty-five (25) feet
- (25) Maximum lot coverage by all buildings.
All uses Forty-five (45) percent
- Maximum number of principal buildings.
All uses None providing the provisions of §§ 14-702(20) through 14-702(25) are met
- (26) Maximum height. (a) No structure shall exceed three (3) stories.
(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.
(c) No accessory building shall exceed twenty (20) feet in height.
- (27) Accessory buildings. Accessory buildings shall conform to the following standards:
(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
(b) No accessory building shall extend into the required side yard.
(c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
(d) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.
- (28) Site plan review. Prior to the issuance of a building permit, all site plan requirements as set forth in § 14-1201 shall be submitted for review by the building inspector. If approved, any modifications required by the building

inspector shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington. (1981 Code, § 11.702, as amended by Ord. #1997-17, Feb. 1998; Ord. #1999-7, Aug. 1999; Ord. #2005-11, June 2005, and Ord. #2014-16, Nov. 2014)

14-703. P-C Planned Commercial District. The P-C (Planned Commercial) District shall be utilized to regulate proposals which requires a unified planned development of one or more structures housing multiple commercial and service uses, commonly referred to as shopping centers or shopping malls. Within the areas designated P-C (Planned Commercial) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply.

- (1) Uses permitted. (a) Retail sales limited to:
 - (i) Retail trade- general merchandise.
 - (ii) Retail trade - food.
 - (iii) Retail trade- automotive, marine craft, aircraft and accessories - including only:
 - (A) Tire, batteries and accessories.
 - (B) Gasoline service stations.
 - (iv) Retail trade - Apparel and accessories.
 - (v) Retail trade - furniture, homefurnishings and equipment.
 - (vi) Retail trade - eating and drinking.
 - (vii) Other retail trade.
- (b) Services, limited to:
 - (i) Finance, insurance and real estate services.
 - (ii) Personal services.
 - (iii) Business services - excluding warehousing and storage services.
 - (iv) Repair services - limited to:
 - (A) Automobile repair services except tire retreading.
 - (B) Automobile wash services, where the service is subordinate to permitted retail trade.
 - (v) Professional services.
 - (vi) Governmental services - excluding correctional institutions.
 - (vii) Mini-storage facilities for use by public, provided the following conditions are met:
 - (A) Any lot on which a mini-storage facility is located shall be not less than 3 acres; and
 - (B) Plans for any mini-storage facility shall be subject to review and approval by the Millington Planning Commission.

In the instance where common or adjoining wall construction is not utilized, a minimum distance of ten (10) feet shall be provided between structures. Structures not constructed at the side lot line shall be located at least (10) feet from the side lot line except as set forth in § 14-703(7) above.

(9) Maximum lot coverage by all buildings.

All uses None, provided all area, yard and parking requirements are met.

(10) Maximum number of principal buildings.

All uses None, providing all area, yard and parking requirements are met.

(11) Maximum height. (a) No structures shall exceed three (3) stories or thirty-five (35) feet in height except as set forth below:

This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

In instances where the following criteria are met, maximum height of fifty (50) feet shall be allowed.

(i) The proposal shall receive certification that adequate fire protection measures are designed into the development as reviewed by the Millington Building Department and the Millington Fire Chief.

(ii) An allowable fire flow is assured and all necessary water line sizes, and proximity to fire hydrants are certified as adequate by the Millington Building Department and the Millington Fire Chief.

(iii) The proposal is located adjacent to an arterial or collector status street to ensure adequate accessibility of emergency vehicles.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed (20) feet in height.

(d) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

(12) Landscaping. The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping. This provisions shall not apply to any required rear yard except when the rear yard adjoins a residential district. All other required yards shall be landscaped.

(13) Site plan and design review. Prior to the issuance of a building permit all site plan requirements as set forth in § 14-1201 and all design review requirements as set forth in § 14-1201 shall be submitted for review by the

planning commission. If approved, any modification required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(14) Enclosure requirements. All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses which by their nature must exist outside a building.

(15) Exterior storage. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same material from which the principal use is constructed. (1981 Code, § 11.703, as amended by Ord. #1999-7, Aug. 1999, Ord. #2005-11, June 2005, and Ord. #2014-16, Nov. 2014)

14-704. "O" Office District. The "O" (Office/Commercial) District shall be a district allowing the location of offices providing basic services and limited commercial uses for the citizens of Millington. Within the areas designated "O" (Office/Commercial) on the Zoning Map of the City of Millington the following provisions shall apply.

(1) Uses permitted. (a) Retail sales, limited as a secondary use to permitted uses in § 14-704(1)(b) below.

- (i) Retail Trade - eating and drinking
- (ii) Retail Trade - other retail trade including only:
 - (A) Drug and proprietary
 - (B) Book and stationery
 - (C) Other Retail trade, NEC¹

(b) Services, limited to:

- (i) Finance, insurance and retail estate services.
- (ii) Personal services.
- (iii) Business services, including only:
 - (A) Advertising service.
 - (B) Consumer and mercantile credit reporting services, adjustment and collection services.
 - (C) Duplicating, mailing and stenographic services.
 - (D) News syndicate services.
 - (E) Employment services.
- (iv) Professional services.
- (v) Contract construction services - offices only.
- (vi) Governmental services; excluding correctional institutions and military bases and reservations.
- (vii) Educational services.
- (viii) Miscellaneous services.

¹Not elsewhere coded.

- (c) Signs as permitted in § 14-1202.
- (2) Special exceptions. No uses are permitted on approval by the board of zoning appeals.
- (3) Uses prohibited. Any use not specifically permitted by the zoning ordinance.
- (4) Minimum lot area.
All uses No minimum providing all yards, density, and parking requirements are met.
- (5) Minimum lot width at the building line.
All uses No minimum providing all yard, density, and parking requirements are met.
- (6) Minimum depth of front yards.
All uses Fifty (50) feet*
- (7) Minimum width of side yards.
All uses None, provided that when the "O" (Office/Commercial) lot adjoins a residential district along the side yard, the minimum side yard shall be the side yard requirement for the adjoining residential district plus fifteen (15) feet.*
In the instance where common or adjoining wall construction is not utilized, a minimum distance of ten (10) feet shall be provided between structures.
Structures not constructed at the side line shall be located at least ten (10) feet from the side lot line.
- (8) Minimum depth of rear yard.
All uses Twenty (20) feet, provided that when the "O"(Office/Commercial) lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) feet*
- (9) Landscaping. * The first ten (10) feet of any required yard shall be devoted to landscaping. This provision shall not apply to required rear yards except when the rear yard adjoins a residential district.

(10) Maximum lot coverage by all buildings.

All uses None, provided all area, yard, and parking requirements are met

(11) Maximum number of principal buildings.

All uses None providing the provisions of § 14-704(4) through § 14-704(10) are met.

(12) Maximum height. (a) No structure shall exceed three (3) stories or thirty-five (35) feet in height except as set forth below:

This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

In instances where the following criteria are met the maximum height of fifty (50) feet shall be allowed.

(i) The proposal shall receive certification that adequate fire protection measures are designed into the development as reviewed by the Millington Building Department and the Millington Fire Chief.

(ii) An allowable fire flow is assured and all necessary water line sizes, and proximity to fire hydrants is certified as adequate by the Millington Building Department and the Millington Fire Chief.

(iii) The proposal is located adjacent to an arterial or collector status street to ensure adequate accessibility of emergency vehicles.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(c) No accessory building shall exceed twenty (20) feet in height.

(13) Accessory building. Accessory buildings shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side yard.

(c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.

(d) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

(14) Site plan and design review. Prior to the issuance of a building permit all site plan and design review requirements as set forth

in § 14-1201 shall be submitted for review by the planning commission. If approved, any modification required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files for the City of Millington.

(15) Enclosure requirements. All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses which by their nature must exist outside a building.

(16) Exterior storage. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same material from which the principal use is constructed.

(17) Prohibition of towers for commercial mobile communications services in "O" office districts. No tower for use by or in connection with commercial mobile communications services shall be permitted in O office districts, either by right or under a special exception. (1981 Code, § 11.704, as amended by Ord. #1997-17, Feb. 1998)

CHAPTER 8

INDUSTRIAL DISTRICT PROVISIONS

SECTION

- 14-801. M-1 Light Industrial District.
- 14-802. M-2 General Industrial District.
- 14-803. M-3 Restricted Industrial District.
- 14-804. M-P Planned Industrial District.

14-801. M-1 Light Industrial District. The M-1 (Light Industrial) District is so designed as to allow for wholesale, warehousing and industrial uses which, by their nature of production and storage, are not considered detrimental to any surrounding districts. As such, all operations and storage must be carried on in an enclosed building and the processing of raw materials for shipment in bulk shall not be permitted. Within the areas designated M-1 (Light Industrial) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply.

(1) Chart one permitted uses.

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	IM-3	MT
RESIDENTIAL AND AGRICULTURAL																			
Forestry and Agricultural	P																		
Agricultural and agricultural related activities, excluding stockyards and live animal sales																P			
Single family dwellings	P	P	P	P	P	P	P	P											
Two-family dwellings																			
Townhouse dwellings																			
Multi-family dwellings																			
Single family mobile homes and mobile home parks																			
Single family mobile homes and mobile home parks not to exceed 30 lots																			
Public Uses, Parks and Public Buildings and services	P	P	P	P	P	P	P	P											
Roadside stands, offering for sale products produced on the premises	P																		
Public Utilities	P																		
Public Utilities, except for temporary signs	P																		
Accessory Buildings	P	P	P	P	P	P	P	P											
Public and Private Schools	A	A	A	A	A	A	A	A											
Business and Professional Offices																			
Business and Professional Offices related to a Business or Professional Office																			
Cemeteries	A																		
Private Clubs excluding firearms	A																		
Riding stables, veterinarian hospitals or clinic, large animals, or the keeping of animals	A																		
Greenhouses or similar storage facilities	A																		
Hospitals and institutions of an educational, religious, charitable or philanthropic nature	A																		
Country Clubs	A	A	A	A	A	A	A	A											
Golf Courses or Country Clubs	A	A	A	A	A	A	A	A											
Day care centers																			
Assisted Living Facilities																			
Nursing Homes																			
NON RESIDENTIAL USES																			
Auto and Service Washing																			
Solid Waste Transfer Station																			
Dry cleaning pickup and delivery services																			
Beauty and Barber services																			
Shoe repair																			

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P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by rezoning. Special Exception and requires site plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Apparel repair and alterations											\$	\$	\$						
Bank											\$	\$	\$	\$					
Kindergartens and child care homes											\$	\$	\$	\$					
Retail trade, including:																			
Building materials, hardware and farm equipment												\$			\$				
General merchandise												\$							
Food and groceries												\$							
Automotive, marine craft, aircraft and accessories, excluding auto junk yards												\$	\$	\$	\$	\$	\$		
Automotive, marine craft, aircraft and accessories, limited to tires, batteries and accessories, and Gasoline service stations												\$	\$	\$	\$	\$	\$		
Apparel and accessories												\$	\$						
Furniture, home furnishings and equipment												\$	\$						
Eating and drinking											\$	\$	\$	\$	\$	\$	\$		
Other retail trade												\$	\$						
Other retail trade limited to Drug and proprietary, book and stationary											\$			\$					
Services, including:																			
Offices											\$	\$	\$	\$	\$	\$	\$		
Personal services											\$	\$	\$	\$	\$	\$	\$		
Business services											\$	\$	\$	\$	\$	\$	\$		
Businesses services limited to: Dwelling and other building services; Research development and testing; Equipment renting and leasing; Automotive and truck renting; and Electronic configuration and/or services																\$	\$		
Funeral Home												\$							
Personal storage, limited												\$							
Repair services excluding tire recapping services												\$							
Automobile repair and wash services												\$	\$						
Electrical and electronic devices												\$	\$						
Professional services											\$	\$	\$	\$	\$	\$	\$		
Professional services limited to: medical laboratories; dental laboratory and other medical and health services															\$	\$	\$		
Contract construction services											\$	\$			\$	\$	\$		
Contract construction services office											\$	\$			\$	\$	\$		
Educational services											\$	\$			\$	\$	\$		
Veterinary Hospital or Clinic, Small Animal											\$	\$	\$	\$	\$	\$	\$		

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Miscellaneous services												S							
Mini Storage												A	A						
Amusements												S				P			
Recreational activities												S	S						
Transient Lodging: Motels, Hotels and Tourist Courts												S	S						
Public Assembly												S							
Taxicab business, storage and garage												S	S						
Sexually oriented businesses												S							
Cultural Entertainments and Recreation												S							
Motion picture theatres												S	S						
Recreational activities limited to sports, recreational centers, gymnasiums and athletic clubs													S						
Manufacturing, including																			
Apparel and other products made from fabrics, leather and similar products, excludes leather tanning and finishing																			
Food, beverage and kindred products																			
Furniture and fixtures																			
Printing, publishing and allied industries																			
Paper and allied products, limited to paperboard containers and boxes																			
Drug manufacturing																			
Fabricated metal products, excluding stamping																			
Fabricated metal products																			
Textile mill products																			
Rubber and miscellaneous plastic products																			
Professional, scientific and controlling instruments; electronic configuration and repair; Photographic and optical goods; and watches and clocks manufacturing																			
Lumber and wood products																			
Chemical and allied products limited to Drugs, soap, detergents and cleaning preparations																			
Chemical and allied products																			
Stone, Clay and glass products																			
Petroleum refining and related industries																			
Primary metal limited to rolling, drawing and extruding of ferrous and non-ferrous metals																			
Transportation Communication and Utilities																			

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a site plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Airport and Aviation Related Uses																			
Communication															S	S	S		
Communication towers	A											A			A	A	A	A	
Utilities																			
Motor vehicle transportation													A						
Other communication															S				
Wholesale trade limited to:																			
Motor vehicles and automotive equipment, excluding auto salvage and junkyards															S	S	S	S	
Drugs, drug proprietaries and druggists supplies															S	S	S	S	
Drugs, chemicals and allied products																S	S	S	
Dry goods and apparel															S	S	S	S	
Farm products excluding live animals																S	S	S	
Groceries, beverages and related products															S	S	S	S	
Electrical and electronic goods															S	S	S	S	
Hardware, plumbing, heating equipment and supplies															S	S	S	S	
Machinery, equipment and supplies																S	S	S	
Metals and minerals, excluding petroleum products																S	S	S	
Office, paper and paper products																S	S	S	
Lumber and construction materials																S	S	S	
Other Wholesale not listed, excluding: Metals, plastic and minerals; Petroleum bulk stations and terminals; Scrap and waste metals; and Livestock or live animals															S	S	S	S	
Other Wholesale trade limited to petroleum bulk stations and terminals and wholesale scrap and waste materials																		S	
Warehousing and Storage services excluding stockyards																S	S	S	
OTHER																			
Signs as permitted in Section 14-202	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
United States Government uses at the sole discretion and pleasure of the military authority in charge																			P
Planned Residential District			S	S	S	S	S												
Mixed Use Planned Developments			S	S	S	S	S					S	S						

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a site plan approval

(2) Chart two district and use bulk regulations.

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
A Agricultural District								
Single Family Detached Dwelling	20,000 *	100	40	15	25 **	35	2.18	0
Agriculture	One acre	100	40	25	25 **	45	n/a	0
Other	One acre	100	40	25	25 **	45	n/a	0
R-0 Residential District								
Single Family Detached Dwelling	15,400	110	35	10	30	35	2.83	30
Public Uses	20,000	110	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-1 Residential District								
Single Family Detached Dwelling	6,500	80	30	10	30	35	6.7	30
Public Uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-2 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Public Uses	20,000	100	35	35	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	35	35	35	n/a	25
Churches	3 acres	200	35	35	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	35	35	35	n/a	25
R-3 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Public Uses	20,000	100	15 35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	15 35	15	35	35	n/a	25
Churches	2 acres	200	15 35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	15 35	15	35	35	n/a	25
Day Care Centers			15 35	15	35	35	n/a	25
Assisted Living Facilities			15 35	15	35	35	n/a	25
Nursing Homes			15 35	15	35	35	n/a	25
R-4 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Townhouse dwellings	11,500 #	100	25	10/15 ###	25	35	12.82	25
Multi-family dwellings	11,500 #	100 ##	25	10/15 ###	35	35	12.82	25
Public Uses	20,000	100	35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	15	35	35	n/a	25
Churches	2 acres	200	35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	15	35	35	n/a	25
Day Care Centers			35	15	35	35	n/a	25
Assisted Living Facilities			35	15	35	35	n/a	25
Nursing Homes			35	15	35	35	n/a	25
R-5 Residential Mobile Home Park								
Entire development	8 acres		50	30	30	35	n/a	
Single family mobile homes and recreational vehicles	4,500 per unit		25	10	15	35	n/a	n/a
Office			50	30	30	35	n/a	n/a
R-LL Residential District								
Single Family Detached Dwelling	2 acres	175	35	15	30	35	0.5	30
Public Uses	2 acres	175	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
B-1 Neighborhood Commercial								
Permitted commercial and office uses	0	0	30	10/20 ^	30	35	n/a	25
Public uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25

Chart 2 Page 1

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
Churches	2 acres	200	40	20	40	35	n/a	25
B-2 General Commercial	0	0	50	10/0^^	20/25 ^^^	35		45
P-C Planned Commercial								
Entire Development	5 acres	100'	n/a	n/a	n/a	n/a	n/a	n/a
Individual permitted uses	0	0	50	25	25	35	n/a	0
O Office	0	0	50	10/0 +	20/25 ^^^	35		0
M-1 Light Industrial	0	0	40	20/40 ++	20/40 ^^	50	n/a	50
M-2 General Industrial	0	0	50	25/40 +++	25/40 +++	50	n/a	65
M-P Planned Industrial	0	0	50	25/40 +++	25/40 +++	50	N/A	65
M-3 Restricted Industrial	0	0	50	50/100	50/100	50	n/a	35
M-T Military Zone	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Veterans Parkway Corridor Overlay								
R-4 Residential (townhouse only)	11,500 #	100	0	10/15 ###	25		12.82	25
B-1 Neighborhood Commercial	0	0	0	10/20 ^	30	35	n/a	25
B-2 General Commercial	0	0	10	10/0^^	20/25 ^^^	35		45
P-C Planned Commercial (individual permitted uses)	0	0	10	25	25	35	n/a	0
O Office	0	0	10	10/0 +	20/25 ^^^	35		0
M-1 Light Industrial	0	0	20	20/40 ++	20/40 ^^	50	n/a	50
M-P Planned Industrial	0	0	30	25/40 +++	25/40 +++	50	n/a	65

- * Where no public sewer is provided the lot size shall be increased to meet Health Department regulations.
- ** Not less than 30' or 20% of the lot depth, whichever is smaller, provided in no case shall it be less than 25'.
- *** 5 acres plus one acre for each one-hundred or fraction of one-hundred students over one-hundred.
- # 11,500 square feet (sq. ft.) for the first unit, plus 2,500 sq. ft. for each additional unit.
- ## 100' for the development and each townhouse lot shall have 20' for frontage.
- ### 10' on end or internal units and 15 where it borders an adjacent property.
- ^^ 10' where it is adjacent to commercial and 20' where it is adjacent to residential.
- ^^^ 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where these uses are adjacent to residential the side yard shall be the greater of 10' or the side yard in the adjacent residential zoning.
- ^^^ The rear yard is 20' adjacent to commercial and 25' adjacent to residential.
- + 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where the use is adjacent to residential, the side yard shall be the same as the adjacent residential zoning plus 15'.
- ++ 20' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.
- +++ 25' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.

- (1) Uses permitted.
 - (a) Agricultural and agricultural related activities, excluding stockyards and live animals.
 - (b) Business services -- limited to:
 - (i) Dwelling and other building services.
 - (ii) Warehousing and storage services -- excluding stockyards.
 - (iii) Other business services -- limited to:
 - (A) Research, development and testing services.
 - (B) Equipment rental and leasing services.
 - (C) Automobile and truck rental services.
 - (D) Electronic configuration and/or repair services.
 - (c) Communication.
 - (d) Contract construction services.
 - (e) Governmental buildings and services.
 - (f) Manufacturing -- including:
 - (i) Apparel and other finished products made from fabrics, leather and similar materials except for leather tanning and finishing processes.
 - (ii) Chemical and allied products, limited to:
 - (A) Drug manufacturing.
 - (B) Soap, detergents and cleaning preparations, perfume, cosmetics and other toilet preparations.
 - (iii) Fabricated metal products.
 - (iv) Food, beverage and kindred products.
 - (v) Furniture and fixtures.
 - (vi) Lumber and wood products.
 - (vii) Paper and allied products, limited to:
Paperboard containers and boxes.
 - (viii) Professional, scientific and controlling instruments, electronic devices, photographic and optical goods, watches and clocks.
 - (ix) Rubber and miscellaneous plastic products.
 - (x) Textile mill products.
 - (g) Motor vehicle transportation.
 - (h) Offices.
 - (i) Parks and recreation facilities.
 - (j) Printing, publishing and allied industries.
 - (k) Professional services - limited to:
 - (i) Medical/dental related services.
 - (ii) Research laboratories.
 - (l) Repair services, limited to:
 - (i) Automobile repair and services.
 - (ii) Electrical and electronic devices.

- (m) Retail trade - limited to:
 - (i) Automobile services stations.
 - (ii) Eating and drinking establishments.
 - (iii) Hotels and motels.
- (n) Schools, business and professional.
- (o) Signs as permitted in § 14-202.
- (p) Transportation, communication and utilities, NEC.
 - (i) Utilities.
- (q) Wholesale trade including:
 - (i) Automotive equipment and motor vehicles - except auto salvage and/or junkyard scrap.
 - (ii) Drugs, chemicals, and allied products.
 - (iii) Dry goods and apparel.
 - (iv) Farm products except for live animals.
 - (v) Groceries, beverages and related products, animals.
 - (vi) Electronic and electrical goods.
 - (vii) Machinery, equipment, and supplies.
 - (viii) Metal and minerals except petroleum products and
 - (ix) Office, paper and paper products.
 - (x) Furniture and home furnishings.
 - (xi) Lumber and construction materials.
- (r) Taxicab business, storage and garage.
- (s) Sexually oriented businesses.

(2) Special exceptions. No uses are permitted on approval of the board of zoning appeals, except that towers for use by or in connection with commercial mobile communications services may be permitted in M-2 Districts upon such approval, subject to applicable provisions of this zoning ordinance.

(3) Uses prohibited. Any use not specifically permitted by the zoning ordinance.

(4) Minimum lot area.

All uses

No minimum providing all yard, density, and parking requirements are met.

(5) Minimum lot width at the building line.

All uses

No minimum providing all yard, density, and parking requirements are met.

(6) Minimum depth of front yard.

All uses

Fifty (50) feet.

(7) Minimum width of side yards.

All uses

Twenty-five (25) feet provided that when the M-2 (General Industrial) lot adjoins a residential

district at the side yard, the minimum side yard shall be forty (40) feet.

(8) Minimum depth of rear yard.

All uses

Twenty-five (25) feet provided that when the M-2 (General Industrial) lot adjoins a residential district along the rear yard, the minimum rear yard shall be forty-five (45) feet.

(9) Maximum lot coverage of buildings.

All uses

Sixty-five (65) percent.

(10) Maximum number of principal buildings.

All uses

None, providing the provisions of §§ 14-802(4) through 14-802(10) are met.

(11) Maximum height. (a) No structures shall exceed a maximum of fifty (50) feet in height except as set forth below. This limitation shall not apply to belfries, chimneys, flagpoles, radio and television antennas, and water tanks or stand pipes, provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus (10) feet from the nearest property line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(12) Accessory buildings. Accessory building shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side or rear yard.

(13) Material storage. All raw material, equipment and products shall be stored in completely enclosed buildings or shall otherwise be screened by such walls, fences and landscaping to attractively conceal areas visible from outside of the lot boundaries.

(14) Landscaping. The first twenty (20) feet of any required front yard shall be devoted to landscaping with no parking within the landscape area. Landscape area equal to ten percent (10%) of the gross parking area shall be provided in and adjacent to the parking lot and shall include not less than one (1) tree for each twenty (20) parking spaces or fraction thereof.

(15) Construction. No building shall be constructed with wood framing. Exterior walls visible from the street shall be finished with architectural tilt-up concrete wall, face brick, finished or patterned concrete block, exterior insulated finish system, glass, insulated metal sandwich panel, stone or stucco. Equivalent or better materials allowed subject to review of the Millington Planning Commission and the Millington Building Department. Aircraft hangar buildings located at the Millington Municipal Airport may be constructed entirely of metal panels.

(16) Site plan review. Prior to the issuance of a building permit all site plan requirements as set forth in § 14-1201 shall be submitted for review by the planning commission. If approved, any modifications required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(17) Performance standards. All of the following minimum standards must be complied with:

(a) Fire and explosion hazard. All activities shall be carried on only in structures that conform to the standards of the national Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids and finished products.

(b) Radioactivity. All activities located within this zone shall comply with title 10; chapter 1, part 20, Code of Federal Regulations, "Standards for Protection Against Radiation."

(c) Smoke, fumes, gases, dust, odors. There shall be no excessive emission of any smoke, fumes, gas, dust or odors. These and any other atmospheric pollutant that is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited. In any case, the limit of such emission of air pollutants shall be subject to the approval or acceptance of the Millington Industrial Board, and Millington Fire Department, and the State Air and Water Quality Control Department.

(d) Vibration. There shall be no vibration that is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

(e) Noise. There shall be no operational industrial noise measured from any point on the property line of the lot on which the industrial operation is located which shall exceed the values given in the following table in any octave band of frequency.

Frequency Band in Cycles Per Second	Sound Pressure Level Decibels
0-75	65
75- 150	50
150-300	44

300-600	38
600- 1200	35
1200 - 2400	32
2400 - 4800	29
above 4800	26

(1981 Code, § 11.802, as amended by Ord. #1997 -17, Feb. 1998; replaced by Ord. #2000-20, Sept. 2000, and amended by Ord. #2003-21, July 2003; Ord. #2005-11, June 2005; and Ord. #2005-20, Aug. 2005)

14-803. M-P Planned Industrial District. The purpose of this district is to provide for planned industrial development, consisting of several buildings or groups of buildings of harmonious design, in which the principal uses are manufacturing, assembling, fabrication, warehousing and other uses that are customary to the development of high quality industrial areas. A planned district of this type, which is accessible to major transportation routes, is intended to group industrial activities on desirable parcels with carefully arranged traffic systems, parking and loading facilities, and landscaping. This careful design will minimize any possible adverse effects on surrounding districts.

(1) Uses permitted. The uses permitted in this district are provided in chart one, permitted uses in § 14-801.

(2) Setbacks, heights and other bulk regulations. The building setbacks, heights and other bulk regulation for the development of these sites are provided in chart two, district and use bulk regulations in § 14-801. All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(3) Accessory buildings. Accessory building shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side or rear yard.

(4) Material storage. All raw material, equipment and products shall be stored in completely enclosed buildings or shall otherwise be screened by such walls, fences and landscaping to attractively conceal areas visible from outside of the lot boundaries.

(5) Landscaping. The location, size, and type of development will determine the type and amount of screening and landscaping.

The following are minimum requirements. The Planning Commission may require other amenities:

(a) Where a planned industrial park abuts a residential district there shall be a landscape buffer of at least thirty (30) feet, with a solid fence six (6) feet high, provided and maintained by the owner. Landscaping shall not be located in the utility easements.

(b) A landscape area not less than twenty (20) feet wide shall be required along all street frontages. This area shall be parallel to and inside the property lines.

(c) A landscape area equal to ten percent (10%) of the gross parking area shall be provided in and adjacent to the parking lot and shall include not less than one (1) tree for each twenty (20) parking spaces or fraction thereof.

(d) Once an area has been designated as a greenbelt, landscaped area, or some other permanent open space, it shall not be encroached upon by any structure or building.

(6) Construction. No permanent building shall be constructed with wood framing. Temporary buildings and construction trailers may be constructed with wood framing. Exterior walls visible from the street shall be finished with architectural tilt-up concrete wall, face brick, finished or patterned concrete block, exterior insulated finish system, glass, insulated metal sandwich panel, stone or stucco. Equivalent or better materials allowed subject to review of the Millington Planning Commission and the Millington Building Department. Aircraft hangar buildings located at the Millington Municipal Airport may be constructed entirely of metal panels.

(7) Site plan review. Prior to the issuance of a building permit all site plan requirements as set forth in § 14-1201 shall be submitted for review by the planning commission. If approved, any modifications required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(8) Performance standards. All of the following minimum standards must be complied with:

(a) Fire and explosion hazard. All activities shall be carried on only in structures that conform to the standards of the National Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids and finished products.

(b) Radioactivity. All activities located within this zone shall comply with title 10; chapter 1, part 20, Code of Federal Regulations, "Standards for Protection against Radiation."

(c) Smoke, fumes, gases, dust, odors. There shall be no excessive emission of any smoke, fumes, gas, dust or odors. These and any other atmospheric pollutant that is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited. In any case, the limit of such emission of air pollutants shall be subject to the approval or acceptance of the Millington Industrial Board, and Millington Fire Department, and the state air and water quality control department.

(d) Vibration. There shall be no vibration that is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

(e) Noise. There shall be no operational industrial noise measured from any point on the property line of the lot on which the industrial operation is located which shall exceed the values given in the following table in any octave band of frequency. These noise levels do not apply to the Millington Regional Jetport, which are covered separately under FAA rules and regulations.

Frequency Band in Cycles Per Second	Sound Pressure Level Decibels
0-75	65
75- 150	50
150-300	44
300-600	38
600- 1200	35
1200 - 2400	32
2400 - 4800	29
above 4800	26

(as added by Ord. #2015-16, Sept. 2015)

14-804. M-3 Restricted Industrial District. The M-3 (Restricted Industrial) District shall be utilized to place those industrial uses understood to be of a hazardous or obnoxious nature but which are deemed necessary or desirable for the economic development of the City of Millington. Because of the nature and intent of this district, these regulations shall limit the permitted use categories. Within areas designated M-3 (Restricted Industrial) on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

- (1) Uses permitted. (a) Governmental services.
- (b) Manufacturing--limited to:
 - (i) Chemical and allied products - manufacturing.
 - (ii) Stone, clay and glass products - manufacturing.
- (c) Park and recreational facilities.
- (d) Petroleum refining and related industries.
- (e) Primary metal industries- limited to rolling, drawing and extruding of ferrous and non-ferrous metals.
- (f) Signs as permitted in § 14-202.
- (g) Utilities.

- (h) Wholesale trade limited to:
- (i) Other wholesale trade, NEC
 - (A) Petroleum bulk stations and terminals wholesale.
 - (B) Scrap and waste materials - wholesale.
- (2) Special exceptions. No uses are permitted on approval of the board of zoning appeals, except that towers for commercial mobile communications services may be permitted in M-3 Districts upon such approval, subject to applicable provisions of this zoning ordinance.
- (3) Uses prohibited. Any use not specifically permitted by the zoning ordinance is prohibited.
- (4) Minimum lot area.
All uses No minimum providing all yard, density, and parking requirements are met.
- (5) Minimum lot width at the building line.
All uses No minimum providing all yard, density, and parking requirements are met.
- (6) Minimum depth of front yards.
All uses Fifty (50) feet.
- (7) Minimum width of side yards.
All uses Fifty (50) feet provided that when the M-3 (Restricted Industrial) lot adjoins a residential district along the side yard. The minimum side yard shall be one hundred (100) feet.
- (8) Minimum depth of rear yard.
All uses Fifty (50) feet provided that when the M-3 (Restricted Industrial) lots adjoins a residential district along the rear yard, the minimum rear yard shall be one hundred (100) feet.
- (9) Maximum lot coverage of all buildings.
All uses Thirty-five (35) percent.
- (10) Maximum number of principal buildings.
All uses None providing the provisions of §§ 14-803(4)

through 14-803(10) are met.

(11) Maximum height. (a) No structures shall exceed a maximum of fifty (50) feet in height except as set forth below. This limitation shall not apply to belfries, chimneys, flagpoles, radio and television antennas, and water tanks or stand pipes, provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus (10) feet from the nearest property line.

(b) All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(12) Accessory buildings. Accessory building shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side or rear yard.

(13) Construction. No building shall be constructed with wood framing. Exterior walls visible from the street shall be finished with architectural tilt-up concrete wall, face brick, finished or patterned concrete block, exterior insulated finish system, glass, insulated metal sandwich panel, stone or stucco. Equivalent or better materials allowed subject to review of the Millington Planning Commission and the Millington Building Department.

(14) Landscaping. The first twenty (20) feet of any required yard shall be devoted to landscaping. This provision shall not apply to required rear yards except when the rear yard adjoins a residential district. No parking shall be allowed in the required landscape area.

(15) Site plan review. Prior to the issuance of a building permit all site plan requirements as set forth in § 14-1201 shall be submitted for review by the planning commission. If approved, any modifications are required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Millington. (1981 Code, § 11.803, as amended by Ord. #1997-17, Feb.1998; and replaced by Ord. #2000-20, Sept. 2000, as renumbered by Ord. #2015-16, Sept. 2015)

CHAPTER 9**MILITARY ZONE PROVISIONS****SECTION**

14-901. MT Military District.

14-902. MTO -- Military district overlay.

14-903. Chart one -- permitted uses.

14-904. Chart two -- district and bulk regulations.

14-901. MT - Military District. Within the areas designated MT (Military) on the Zoning Map of the City of Millington, Tennessee, so long as the Military District is under the exclusive control of the United States Government and its branches, the uses permitted and any regulation thereof, in such district shall be at the sole discretion and pleasure of the military authority in charge. (1981 Code, § 11.901)

14-902. MTO - Military District Overlay. (1) Creation of overlay district. There is hereby created the MTO -Military Overlay District within the City of Millington. The MTO-Military Overlay District includes all areas leased to the United States Government and its branches and represents an overlay zoning of the underlying zoning district for military use.

(2) Use and regulation. The activities uses permitted and regulation of such activities within any MTO-Military Overlay District shall be the responsibility of the military authority in charge of such areas under the applicable lease.

(3) Compliance with city code and regulations. Any construction in an MTO-Military Overlay District shall comply with the underlying zoning for the district, city subdivision regulations and building requirements. (as added by Ord. #2000-09, June 2000)

14-903. Chart one -- permitted uses.

(as added by Ord. #2015-14, Sept. 2015 and replaced by Ord. #2018-12, Aug. 2018)

See next page

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
RESIDENTIAL AND AGRICULTURAL																			
Forestry and Agricultural activities, excluding stockyards and live animals	P															P			
Single family dwellings	P	P	P	P	P	P		P											
Two-family dwellings					S	S													
Townhouse dwellings						S													
Multi-family Dwellings						S													
Single family mobile homes and mobile home park offices							S												
Recreational vehicles in mobile home parks not to exceed 30 days							S												
Public Uses, Parks and Public Buildings and services	P	P	P	P	P	P		P				P	P						
Roadside stands, offering for sale products produced on the premises	P																		
Public Bulletin board or Temporary Signs	P																		
Public Utilities	P																		
Customary home occupations	P	P	P	P	P	P		P											
Accessory Buildings	P	P	P	P	P	P		P							P	S	S		
Public and Private Schools	A	A	A	A	A	A		A				A	A						
Business and Professional Schools															S	S	S		
Dormitories and other lodging related to a Business or Professional School																			
Cemeteries	A																		
Private Clubs excluding firearms	A																		
Riding stables, veterinarian hospitals or clinics, large animals, or the keeping of small animals	A																		
Grain elevators or similar storage facilities	A																		
Hospitals and institutions of an educational, religious, charitable or philanthropic nature	A												S						
Churches and other places of worship	A	A	A	A	A	A		A				A	A						
Golf Courses or Country Clubs		A	A	A	A	A		A											
Day care centers																			
Assisted living facilities																			
Nursing Homes																			
NON RESIDENTIAL USES																			
Personal Services including: Self-service laundry																			
Dry cleaning pickup and delivery services																			
Beauty and Barber services																			
Shoe repair																			

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Apparel repair and alterations											\$	\$	\$						
Bank											\$	\$	\$	\$					
Kindergartens and child care homes											\$	\$	\$	\$					
Retail trade, including:																			
Building materials, hardware and farm equipment											\$				\$				
General merchandise																			
Food and groceries																			
Automotive, marine craft, aircraft and accessories, excluding auto junk yards											\$	\$	\$	\$	\$	\$	\$		
Automotive, marine craft, aircraft and accessories, limited to tires, batteries and accessories, and Gasoline service stations											\$	\$	\$	\$	\$	\$	\$		
Apparel and accessories											\$	\$	\$						
Furniture, home furnishings and equipment												\$	\$	\$	\$	\$	\$		
Eating and drinking											\$	\$	\$	\$	\$	\$	\$		
Other retail trade												\$	\$	\$					
Other retail trade limited to Drug and proprietary, book and stationary											\$			\$					
Services, including:																			
Offices											\$	\$	\$	\$	\$	\$	\$		
Finance, insurance and real estate											\$	\$	\$	\$	\$	\$	\$		
Personal services											\$	\$	\$	\$	\$	\$	\$		
Business services											\$	\$	\$	\$	\$	\$	\$		
Businesses services limited to: Dwelling and other building services; Research development and testing; Equipment renting and leasing; Automotive and truck renting; and Electronic configuration and/or services											\$	\$	\$	\$	\$	\$	\$		
Funeral Home												\$							
Personal storage, limited												\$							
Repair services excluding tire recapping services												\$							
Automobile repair and wash services												\$	\$	\$	\$	\$	\$		
Electrical and electronic devices													\$	\$	\$	\$	\$		
Professional services											\$	\$	\$	\$	\$	\$	\$		
Professional services limited to: medical laboratories; dental laboratory and other medical and health services														\$	\$	\$	\$		
Contract construction services											\$	\$	\$	\$	\$	\$	\$		
Contract construction services office											\$	\$	\$	\$	\$	\$	\$		
Educational services											\$	\$	\$	\$	\$	\$	\$		
Veterinary Hospital or Clinic, Small Animal											\$	\$	\$	\$	\$	\$	\$		

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BCA as a Special Exception and requires a Site Plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Miscellaneous services												S							
Mini Storage												A	A						
Amusements												S				P			
Recreational activities												S	S						
Transient Lodging: Motels, Hotels and Tourist Courts												S	S						
Public Assembly												S							
Taxicab business, storage and garage												S	S						
Sexually oriented businesses												S							
Cultural Entertainments and Recreation												S	S						
Motion picture theatres												S	S						
Recreational activities limited to sports, recreational centers, gymnasiums and athletic clubs												S							
Manufacturing, including Apparel and other products made from fabrics, leather and similar products, excludes leather tanning and finishing																			
Food, beverage and kindred products																			
Furniture and fixtures																			
Printing, publishing and allied industries																			
Paper and allied products, limited to paperboard containers and boxes																			
Drug manufacturing																			
Fabricated metal products, excluding stamping																			
Fabricated metal products																			
Textile mill products																			
Rubber and miscellaneous plastic products																			
Professional, scientific and controlling instruments; electronic configuration and repair; Photographic and optical goods; and watches and clocks manufacturing																			
Lumber and wood products																			
Chemical and allied products limited to Drugs, soap, detergents and cleaning preparations																			
Chemical and allied products																			
Stone, Clay and glass products																			
Petroleum refining and related industries																			
Primary metal limited to rolling, drawing and extruding of ferrous and non-ferrous metals																			
Transportation Communication and Utilities																			

Chart 1 Page 3
8/16/18

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a site plan approval

CHART ONE, PERMITTED USES

Permitted Uses	A	R-O	R-1	R-2	R-3	R-4	R-5	R-LL	PRD	MUPD	B-1	B-2	P-C	O	M-1	M-2	M-P	M-3	MT
Airport and Aviation Related Uses																			
Communication															S	S	S		
Communication towers	A											A			A	A	A	A	
Utilities																			
Motor vehicle transportation													A						
Other communication															S	S	S		
Wholesale trade limited to:																			
Motor vehicles and automotive equipment, excluding auto salvage and junkyards															S	S	S	S	
Drugs, drug proprietaries and druggists supplies															S	S	S	S	
Drugs, chemicals and allied products																S	S	S	
Dry goods and apparel															S	S	S	S	
Farm products excluding live animals																S	S	S	
Groceries, beverages and related products															S	S	S	S	
Electrical and electronic goods															S	S	S	S	
Hardware, plumbing, heating equipment and supplies															S	S	S	S	
Machinery, equipment and supplies																S	S	S	
Metals and minerals, excluding petroleum products																S	S	S	
Office, paper and paper products																S	S	S	
Lumber and construction materials																S	S	S	
Other Wholesale not listed, excluding: Metals, plastic and minerals; Petroleum bulk stations and terminals; Scrap and waste metals; and Livestock or live animals															S	S	S	S	
Other Wholesale trade limited to petroleum bulk stations and terminals and wholesale scrap and waste materials																		S	
Warehousing and Storage services excluding stockyards																S	S	S	
OTHER																			
Signs as permitted in Section 14-202	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
United States Government uses at the sole discretion and pleasure of the military authority in charge																			P
Planned Residential District			S	S	S	S	S												
Mixed Use Planned Developments			S	S	S	S	S					S	S						

P Permitted Use
S Permitted Use, requires site plan approval
A Use permitted on appeal by BZA as a Special Exception and requires a site plan approval

14-904. Chart two -- district and bulk regulations.

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
A Agricultural District								
Single Family Detached Dwelling	20,000 *	100	40	15	25 **	35	2.18	0
Agriculture	One acre	100	40	25	25 **	45	n/a	0
Other	One acre	100	40	25	25 **	45	n/a	0
R-O Residential District								
Single Family Detached Dwelling	15,400	110	35	10	30	35	2.83	30
Public Uses	20,000	110	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-1 Residential District								
Single Family Detached Dwelling	6,500	80	30	10	30	35	6.7	30
Public Uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
R-2 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Public Uses	20,000	100	35	35	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	35	35	35	n/a	25
Churches	3 acres	200	35	35	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	35	35	35	n/a	25
R-3 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Public Uses	20,000	100	15 35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	15 35	15	35	35	n/a	25
Churches	2 acres	200	15 35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	15 35	15	35	35	n/a	25
Day Care Centers			15 35	15	35	35	n/a	25
Assisted Living Facilities			15 35	15	35	35	n/a	25
Nursing Homes			15 35	15	35	35	n/a	25
R-4 Residential District								
Single Family Detached Dwelling	6,500	65	25	8	25	35	6.7	30
Two family dwellings	10,000	80	25	10	25	35	4.36	30
Townhouse dwellings	11,500 #	100	25	10/15 ###	25	35	12.82	25
Multi-family dwellings	11,500 #	100 ##	25	10/15 ###	35	35	12.82	25
Public Uses	20,000	100	35	15	35	35	n/a	25
Schools, public private and parochial	5 acres ***	300	35	15	35	35	n/a	25
Churches	2 acres	200	35	15	35	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	35	15	35	35	n/a	25
Day Care Centers			35	15	35	35	n/a	25
Assisted Living Facilities			35	15	35	35	n/a	25
Nursing Homes			35	15	35	35	n/a	25
R-5 Residential Mobile Home Park								
Entire development	8 acres		50	30	30	35	n/a	
Single family mobile homes and recreational vehicles	4,500 per unit		25	10	15	35	n/a	n/a
Office			50	30	30	35	n/a	n/a
R-LL Residential District								
Single Family Detached Dwelling	2 acres	175	35	15	30	35	0.5	30
Public Uses	2 acres	175	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25
Churches	3 acres	200	40	20	40	35	n/a	25
Golf Courses or Country Clubs	10 acres	200	40	20	40	35	n/a	25
B-1 Neighborhood Commercial								
Permitted commercial and office uses	0	0	30	10/20 ^	30	35	n/a	25
Public uses	20,000	100	40	20	40	35	n/a	25
Schools, public private and parochial	5 acres ***	300	40	20	40	35	n/a	25

Chart 2 Page 1

Chart 2 - District and Use Bulk Regulations Revised 7/3/15	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Requirements		
	Lot Area (Square feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)	Units per Acre	(%) Lot Coverage
Churches	2 acres	200	40	20	40	35	n/a	25
B-2 General Commercial	0	0	50	10/0^^	20/25 ^^^	35		45
P-C Planned Commercial								
Entire Development	5 acres	100'	n/a	n/a	n/a	n/a	n/a	n/a
Individual permitted uses	0	0	50	25	25	35	n/a	0
O Office	0	0	50	10/0+	20/25 ^^^	35		0
M-1 Light Industrial	0	0	40	20/40++	20/40^^	50	n/a	50
M-2 General Industrial	0	0	50	25/40 +++	25/40 +++	50	n/a	65
M-P Planned Industrial	0	0	50	25/40 +++	25/40 +++	50	N/A	65
M-3 Restricted Industrial	0	0	50	50/100	50/100	50	n/a	35
M-T Military Zone	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Veterans Parkway Corridor Overlay								
R-4 Residential (townhouse only)	11,500 #	100	0	10/15 ###	25		12.82	25
B-1 Neighborhood Commercial	0	0	0	10/20^	30	35	n/a	25
B-2 General Commercial	0	0	10	10/0^^	20/25 ^^^	35		45
P-C Planned Commercial (individual permitted uses)	0	0	10	25	25	35	n/a	0
O Office	0	0	10	10/0+	20/25 ^^^	35		0
M-1 Light Industrial	0	0	20	20/40++	20/40^^	50	n/a	50
M-P Planned Industrial	0	0	30	25/40 +++	25/40 +++	50	n/a	65

- * Where no public sewer is provided the lot size shall be increased to meet Health Department regulations.
- ** Not less than 30' or 20% of the lot depth, whichever is smaller, provided in no case shall it be less than 25'.
- *** 5 acres plus one acre for each one-hundred or fraction of one-hundred students over one-hundred.
- # 11,500 square feet (sq. ft.) for the first unit, plus 2,500 sq. ft. for each additional unit.
- ## 100' for the development and each townhouse lot shall have 20' for frontage.
- ### 10' on end or internal units and 15 where it borders an adjacent property.
- ^ 10' where it is adjacent to commercial and 20' where it is adjacent to residential.
- ^^ 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where these uses are adjacent to residential the side yard shall be the greater of 10' or the side yard in the adjacent residential zoning.
- ^^^ The rear yard is 20' adjacent to commercial and 25' adjacent to residential.
- + 10', provided the Planning Commission may allow a 0' side yard in the case of common wall buildings. Where the use is adjacent to residential, the side yard shall be the same as the adjacent residential zoning plus 15'.
- ++ 20' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.
- +++ 25' where it is adjacent to commercial non-residential and 40' where it is adjacent to residential.

(as added by Ord. #2015-14, Sept. 2015)

CHAPTER 10

FLOOD DAMAGE PREVENTION

SECTION

- 14-1001. Statutory authorization, findings of fact, purpose and objectives.
- 14-1002. Definitions.
- 14-1003. General provisions.
- 14-1004. Administration.
- 14-1005. Provisions for flood hazard reduction.
- 14-1006. Variance procedures.
- 14-1007. Legal provisions.

14-1001. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Millington, Tennessee, Mayor and Board of Alderman, do ordain as follows:

(2) Findings of fact. (a) The City of Millington, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR). Ch. 1, section 60.3.

(b) Areas of the City of Millington, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) 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.

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

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are: (a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (1981 Code, § 11.1001, as replaced by Ord. #2007-12, Sept. 2007, and Ord. #2016-14, Aug. 2016)

14-1002. 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.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "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.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) 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.

(5) "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.

(6) "Area of special flood hazard" see "special flood hazard area."

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

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

(9) "Building" see "structure."

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

(11) "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 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.

(12) "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.

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

(14) "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.

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

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

(17) "Existing structures" see "existing construction."

(18) "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).

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

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

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

(21) "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.

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

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

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

(26) "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.

(27) "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.

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

(29) "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.

(30) "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.

(31) "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.

(32) "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.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights

greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "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.

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

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Millington, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior.

(37) "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.

(38) "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.

(39) "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.

(40) "Manufactured home" means a structure, transportable in one (1) 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."

(41) "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.

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

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

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

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

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

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

(48) "100-year flood" see "base flood."

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

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "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.

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

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) 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.

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

(56) "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.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

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

(59) "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 percent (50%) of the market value of the structure before the damage occurred.

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

- The appraised value of the structure prior to the start of the initial improvement, or
- In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

- 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;

- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "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 percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "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.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (1981 Code,

§ 11.1002, as replaced by Ord. #2007-12, Sept. 2007, as replaced by Ord. #2016-14, Aug. 2016)

14-1003. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Millington, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Millington, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 6, 2013 and Flood Insurance Rate Map (FIRM), Community 470178, Panel Numbers 47157C0155F and 47157C0170F dated September 28, 2007 and 47157C0065G, 47157C0160G and 47157C0180G dated February 6, 2013, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

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

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

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body and;
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance

shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Millington, Tennessee from taking such other lawful actions to prevent or remedy any violation. (1981 Code, § 11.103, as replaced by Ord. #2007-12, Sept. 2007, as replaced by Ord. #2016-14, Aug. 2016)

14-1004. Administration. (1) Designation of ordinance administrator. The director of planning and economic development is hereby appointed as the administrator to implement the provisions of this ordinance.

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

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-1005(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-1004(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and

substantially improved buildings have been floodproofed, in accordance with § 14-1014(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-1004(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Millington, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (1981 Code, § 11.1004, as replaced by Ord. #2007-12, Sept. 2007, as replaced by Ord. #2016-14, Aug. 2016)

14-1005. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) 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;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) 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;

(j) 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;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-1005(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-1005(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1)' above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls

shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1002). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (§ 14-1002). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-1004(2).

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

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-1005(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-1002).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1005(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-1005(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-1003(2), 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:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be

permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Millington, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1005(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-1003(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1005(1) and (2).

(5) Standards for streams without established base flood elevations and Floodways (A Zones). Located within the special flood hazard areas established in § 14-1003(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-1005(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres,

whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1002). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1005(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Millington, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1005(1) and (2). Within approximate A Zones, require that those subsections of § 14-1005(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-1003(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-1005(1) and (2) apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate

automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-1005(2).

(b) All new construction and substantial improvements of non-residential 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 foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood proofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-1004(2).

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

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-1003(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-1004 and 14-1005 shall apply.

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

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-1004 and 14-1005. (1981 Code, 11.1005, as replaced by Ord. #2007-12, Sept. 2007, as replaced by Ord. #2016-14, Aug. 2016)

14-1006. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of Millington, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the Board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of two hundred dollars (\$200.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

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

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Millington, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation

will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) 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;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated flood way if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-1006(1).

(b) 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.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty five dollars for one hundred dollars (\$25.00 for \$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (1981 Code, § 11.1001, as replaced by Ord. #2007-12, Sept. 2007, and Ord. #2016-14, Aug. 2016)

14-1007. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Millington, Tennessee, the most restrictive shall in all cases apply.

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

(3) Effective date. This ordinance shall become effective immediately after its passage, in accordance with the charter of the City of Millington, Tennessee, and the public welfare requiring it. (as added by Ord. #2007-12, Sept. 2007, as replaced by Ord. #2016-14, Aug. 2014)

CHAPTER 11

AHR AIRPORT HEIGHT REGULATION AND RUNWAY PROTECTION ZONE

SECTION

- 14-1101. Purpose.
- 14-1102. Application of regulations.
- 14-1103. Airport zone hazards established.
- 14-1104. Height limits.
- 14-1105. Marking and lighting.
- 14-1106. Runway protection.

14-1101. Purpose. The purpose of this district is to establish regulations which will reduce or eliminate hazards to air navigation to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents. (1981 Code, § 11.10A01)

14-1102. Application of regulations. (1) This district shall overlay land included within the airport hazard zones as shown on the zoning map. The regulations contained in this section shall apply to such land in addition to the regulations contained in the underlying zoning district of such land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the zone containing the more restrictive height regulations shall apply.

(2) The provisions of this section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airport hazard zones established by this section.

(3) If a structure or tree is located in more than one of the zones established by this section, the zone containing the more restrictive regulations shall apply to such structure or tree. (1981 Code, § 11.10A02)

14-1103. Airport zone hazards established. In order to carry out the purposes of this section, the following airport hazard zones are hereby established and defined:

(1) Instrument approach zones. An instrument approach zone is established at the end of the existing or proposed instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand at a distance of fifty thousand two hundred feet beyond each end of the runway along the centerline.

(2) Inner horizontal zone. An inner horizontal zone is established being a plane one hundred fifty feet above the established airport elevation for each

airport, and the perimeter of which is constructed by swinging arcs of ten thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

(3) Conical zone. A conical zone is established being a surface extending outward and upward from the periphery of the upper surface of the horizontal zone for each airport at a slope of twenty to one for a horizontal distance of ten thousand feet.

These zones are shown on the zoning map which is incorporated herein by this reference and made a part hereof. (1981 Code, § 11.10A03, as amended by Ord. #2000-08, § 2, June 2000)

14-1104. Height limits. Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow or be maintained in any airport zone to a height in excess of the height limit established in this subsection for such zone. Such height limitations are computed as follows:

(1) Instrument approach zone. Height limits are as follows: One foot in height for each fifty feet in horizontal distance beginning at a point two hundred feet from the end of the instrument runway and extending to a distance of ten thousand two hundred feet from the end of the runway to a height of five hundred feet above the airfield elevation; then one foot in height for each forty feet in horizontal distance beginning at a point ten thousand two hundred feet from the end of the runway and five hundred feet above the airfield elevation and extending to a distance of fifty thousand two hundred feet from the end of the runway to a height of twelve hundred feet above the airfield elevation.

(2) Inner horizontal zone. Height limits are as follows: One hundred fifty feet above the airport elevation.

(3) Conical zone. Height limits are as follows: One foot in height for each twenty feet of horizontal distance beginning at the periphery of the horizontal zone and extending for a distance of four thousand feet to a height of three hundred fifty feet above the airfield elevation. (1981 Code, § 11.10A04, as amended by Ord. #2000-08, § 3, June 2000)

14-1105. Marking and lighting. The owner of any structure or tree which exceeds the height limits established by this section shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of the structure or tree. (1981 Code, § 11.10A05)

14-1106. Runway protection zone. A Runway Protection Zone ("RPZ") is an area of high accident potential, and consequently no new development will be allowed in this zone. An RPZ is established at the end of each existing or proposed runway. Each RPZ shall have a width of one thousand feet at a

distance of 200 feet beyond each end of each runway, widening uniformly to a width of one thousand seven hundred fifty feet at a distance of two thousand seven hundred feet beyond each end of each runway, along the centerline. (1981 Code, § 11.10A06, as replaced by Ord. #2000-08, § 4, June 2000)

CHAPTER 12

SPECIAL PROVISIONS

SECTION

- 14-1201. Procedures and requirements for site plan review.
- 14-1202. [Deleted.]
- 14-1203. Off-street parking.
- 14-1204. Requirements and standards for CMCS towers.

14-1201. Procedures and requirements for site plan review. The following procedures and standards are established for those sections of the zoning ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy for any affected land structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by the zoning ordinance.

(1) Site plan review authority. The planning commission and board of zoning appeals may require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include but not be limited to setbacks, screening, lighting, park location and layouts, access and general landscaping requirements. This power of review shall include the authority to specify or alter the architectural style of proposed buildings, colors or similar considerations.

The commission or board requires a buffering of the development from surrounding properties by the use of fencing, plantings or combinations thereof.

(2) Site plan and design review. (a) Site plan review is required under three (3) separate instances by the zoning ordinance. These instances include:

(i) Review and approval by the Millington Building Inspector prior to the issuance of a building permit.

(ii) Review and approval by the Millington Board of Zoning Appeals as required by the zoning ordinance.

(iii) Review and approval by the Millington Planning Commission as required by the zoning ordinance.

(b) In instances of review by the Millington planning commission or board of zoning appeals the following procedure shall apply:

(i) The owner or developer shall submit twelve (12) copies of the proposed site plan to the building inspector fifteen (15) days prior to the regular meeting date of the planning commission or board of zoning appeals. Site plans shall be submitted thirty (30) days prior to the regular planning commission meeting when the drainage patterns of the site will be

changed and engineering review is required by the "City of Millington Drainage Design Manual." The site plan shall be reviewed in light of the provisions of this section and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the secretary of the planning commission or chairman of the board of zoning appeals, whichever is applicable.

(ii) Prior to the regular planning commission or board of zoning appeals meeting, copies of the proposed site plan will be distributed by the building inspector to other affected city departments to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the planning commission or board of zoning appeals. Resolution of outstanding problem areas will be the responsibility of the planning commission or the board of zoning appeals in coordination with the city staff and city board. The owner, developer, or agent will be invited to attend the meeting when there are unresolved problem areas.

(c) In instances of review by the Millington building inspector prior to the issuance of a building permit a site plan shall be submitted to the building inspector. The site plan shall be reviewed for compliance with the provisions of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(d) Contents of site plan:

(i) The site plan shall conform to the following requirements and will provide:

(A) Name of proposed development and/or address.

(B) Name, address, and phone number of owner of record and the applicant.

(C) Scale of not less than 1" = 100'.

(D) Present zoning of the site and abutting property.

(E) Date, and north point with reference to source of meridian.

(F) Courses and distances of center lines of all streets.

(G) All building restricting lines, highway setback lines, easements, covenants, reservations and rights-of-way.

(H) The total land area.

(I) Topography of existing ground, and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to

be shown by dashed line illustrating, two-foot contours and spot elevations where necessary to indicate flat areas.

(J) A detailed stormwater management plan meeting all the requirements of "City of Millington Drainage Design Manual."

(K) Include a vicinity map showing the relationship of the proposed development to Millington.

(ii) The site plan shall show the location of the following when existing or proposed:

(A) Sidewalks, streets, curb cuts, alleys, easements and utilities.

(B) Building and structures.

(C) Public sewer systems.

(D) Slopes, terraces and retaining walls.

(E) Driveways, entrances, existing parking areas and sidewalks and garbage collection site.

(F) Water mains and fire hydrants.

(G) Trees and shrubs.

(H) Recreational areas, and swimming pools.

(I) Natural and artificial water courses.

(J) Limits of flood plains if any.

(K) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures, and structures. Proposed topography of site shall be shown by two or five foot contours as required by the city engineer.

(L) Distances between buildings.

(M) Estimates of the following when applicable:

(1) Number of dwelling units.

(2) Number of parking spaces.

(3) Number of loading spaces.

(4) Number of commercial or industrial tenants and employees.

(e) Certificates on the site plan will include the following:

(i) A certificate by a licensed civil engineer certifying that the plan as shown is true and correct;

(ii) Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

(f) The certification required of the owner and trustee of the mortgage in § 14-1201(2)(e)(ii) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved site plan. Upon such certification by the owner, the approved

site plan shall be recorded by the building inspector with the Shelby County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the building inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the building inspector, the owner has not complied with the provisions of the approved site plan, the building inspector shall have the authority to cite the owner to Municipal Court for violation of the zoning ordinance.

(g) Provided that all other applicable provisions of this section have been met, as determined by a finding of the Millington Planning Commission during their review at an official meeting, and upon the granting of approval to the site plan under review, the effective period for site plan approval shall be one (1) year (12 months) from the date of the approval granted by the Millington Planning Commission. The planning commission may grant a maximum six (6) months extension of the effective period to such an approved site plan upon written request and showing cause by the developer, provided that, in the opinion of the planning commission, no substantive zoning amendments or city policies or zoning changes have been enacted since its approval which would make such site plan deficient or which the formerly approved site plan would be in conflict. Provided further that a request for such an extension must be officially made no later than thirty (30) days prior to the expiration date of the initial one (1) year effective period. Each such approved site plan becomes void upon the planning commission's official approval of a subsequent site plan for the same development.

(3) Design plan review. The planning commission shall have design review authority of all structures in all commercial districts. In addition to all information required in the site plan review section, front and side elevation shall be shown.

(a) The planning commission shall review the site plan and make a recommendation within thirty (30) days.

In making its recommendation the planning commission shall consider and determine whether the proposed structures included in the Design Plan will conform to proper design standards and the general character of the area. The proposed development shall have a reasonable relationship to the area and shall be conducive to proper development of the city and its existing environment in an effort to prevent the harmful effects of improper appearances of buildings erected in the city and thus to promote the health, safety, comfort, general welfare, and prosperity of the community.

The criteria to be considered by the planning commission in determining whether a proposed structure(s) will conform to proper design standards and the general character of the area are as follows:

(i) The plan for the proposed structure(s) is in conformity with appropriate and acceptable architectural standards, the general character of the surrounding neighborhood and the community and the orderly development of the community.

(ii) The plan for the proposed structures indicates that the structures is reasonably protected against external and internal noise, vibrations, and other conditions which might tend to make the environment less desirable.

(iii) The proposed structure(s) is not in its exterior design and appearance, of such inferior quality as to cause the area to depreciate in appearance or value.

(iv) The proposed development is in compliance with all applicable ordinances and statutes governing the location and appearance of buildings and structures.

(b) The certification required of the owner and trustee of the mortgage in § 14-1201(2)(e)(ii) of the zoning ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved site plan. Upon such certification by the owner, the approved site plan shall be recorded by the building inspector with the Shelby County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the building inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the building inspector, the owner has not complied with the provisions of the approved site plan, the building inspector shall have the authority to cite the owner to municipal court for violation of this zoning ordinance.

(c) The building inspector shall have the authority to authorize minor revisions to the approved. site plan during the process of construction, if, in his opinion the revisions do not materially alter the nature of the approved site plan, with the written concurrence of the mayor and chairman of the planning commission. (1981 Code, § 11.1101, as amended by Ord. #1990-14, Feb. 1991, modified)

14-1202. [Deleted.] (1981 Code, § 11.1102, as amended by Ord. #1997-13, Oct. 1997, Ord. #2000-20, Sept. 2000, Ord. #2003-20, July 2003, and Ord. #2009-3, March 2009, and deleted by Ord. #2010-08, May 2010)

14-1203. Off-street parking queuing and loading. (1) General provisions.

(a) In all districts, when any building or structure is constructed or at the time any main building or structure is enlarged or increased in capacity

by additional dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking shall be provided of at least one hundred eighty (180) square feet per space with vehicular access to a street or alley. The minimum width of a parking space shall be 9' wide and 18' deep, subject to the specific dimensions as shown on the attached Illustration 5.

For commercial development when estimating a site's parking capacity it is best to provide 350 square feet of area per car to allow for access drives and incidental areas such as landscape plots and unusable corners. The city reserves the right to control entrance and exit over private right-of-ways.

Off-street parking spaces shall be deemed to be required open space associated with the permitted uses, and shall not hereafter be reduced or encroached upon in any manner except in conformity with this ordinance.

(b) A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth herein.

(c) Parking spaces maintained in connection with an existing and continuing main buildings or structure on the effective date of this ordinance, shall be continued and may not be counted as serving a new structure or addition.

(d) A residential off-street parking space shall consist of a driveway and either a parking space carport or garage and shall be located on the lot it is intended to serve. Off-street parking in a residential area shall not be permitted in the front yard unless it is located on a paved driveway or parking area. In no case shall parking in the grass be permitted.

(e) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with four inch (4") compacted gravel surface in accordance with specifications approved by the building inspector. Single-family and two-family developments shall provide an on-site surfaced parking area of either asphalt or concrete of an area required by the zoning ordinance. In commercial, industrial, and multifamily developments, the parking area will be paved with a four inch (4") asphalt sub-base and two inches (2") of asphalt surface treated to be impermeable to prevent the intrusion of water, or the parking area may be surfaced with concrete if preferred. The concrete shall be a minimum thickness of four inches (4") of reinforced concrete approved by the building inspector.

(f) In parking areas which abut an adjacent property line or is adjacent to a street right-of-way, all areas shall have either a continuously formed curbing six inches (6") in height or individual concrete stops located so as to prevent encroachment to any property line or street right-of-way.

(g) Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses are allowed in the zone where the parking is located. Joint use of required parking spaces may be allowed if the following documentation is provided and approved by the BZA.

(i) The names and addresses of the uses and of the owners or tenants that are sharing the parking;

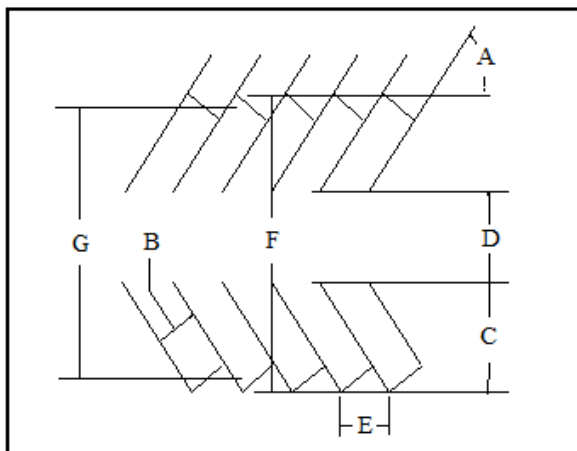
(ii) The location and number of parking spaces that are being shared;

(iii) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

(iv) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

**ILLUSTRATION 5
PARKING DESIGN REQUIREMENTS**

A	B	C	D	E	F	G
0°	9.0'	9.0'	12.0'	25.0'	30.0'	30.0'
20°	9.0'	16.0'	12.0'	26.3'	44.0'	35.5'
30°	9.0'	18.0'	12.0'	18.0'	48.0'	40.0'
45°	9.0'	19.0'	13.0'	12.7'	52.0'	46.5'
60°	9.0'	19.5'	18.0'	10.4'	19.5'	55.0'
70°	9.0'	19.5'	19.0'	9.6'	60.5'	57.0'
80°	9.0'	20.0'	22.0'	9.1'	61.5'	60.0'
90°	9.0'	20.0'	22.0'	9.0'	61.5'	62.0'



A	PARKING ANGLE
B	STALL WIDTH
C	STALL TO CURB
D	AISLE WIDTH
E	CURB LENGTH PER CAR
F	CURB TO CURB WIDTH OF DOUBLE ROW WITH AISLE
G	CENTER TO CENTER WIDTH OF DOUBLE ROW WITH AISLE

(2) Minimum number of spaces for specific uses:

(a) Residential.

Dwelling, one and two family, townhouses, and mobile homes	2 spaces per dwelling unit
Multiple Family	
One bedroom	1.5 spaces per dwelling unit
Two and three bedroom	2.0 spaces per dwelling unit
Retirement home or assisted living home	1 space per dwelling unit
All other residential uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals

(b) Retail.

Lumber and building materials	1 space per 500 square feet
Hardware and Paint	of total floor area
Plumbing and heating supply	1 space per 1,000 square feet of total floor area
Greenhouse, nursery products, agricultural equipment, lawnmower sales and service area	1 space per 1,000 square feet of total floor area plus 1 space for each 5,000 square feet of covered or uncovered display
Shopping centers and malls	1 space per 200 square feet of total floor area
General merchandise, clothing, variety and department stores	1 space per 200 square feet of total floor area
Furniture, home furnishings, art, antiques, books and stationary stores	1 space per 400 square feet of total floor area

Grocery stores and supermarkets	1 space per 150 square feet of total floor area
Hotels, motels, tourist courts	1.0 spaces for each room plus 1 space for each 200 square feet of meeting rooms or restaurant open to the general public
Delicatessens and bakeries	1 space per 150 square feet of total floor area
Package liquor store and beverage store	1 space per 200 square feet of total floor area
Auto sales and service, auto parts, boat sales and service, boat parts, motorcycle sales and service	1 space per 500 square feet of total floor area
Mobile home, semi-truck and heavy equipment sales	1 space per 500 square feet of total floor area
Restaurants, cafes and cafeterias	1 space per 200 square feet of total floor area
Fast food and drive-through restaurants	1 space per 150 square feet of total floor area
Taverns and bars	1 space per 150 square feet of total floor area
Fuel or gas stations	1 space per 250 square feet of total floor area with a minimum of 5 parking spaces
Convenience store	1 space per 200 square feet of total floor area
Pawn shop	1 space per 300 square feet of total floor area
All other retail trade not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(c) Finance, insurance and real estate.	
Banks, savings and loans, real estate offices and insurance	1 space per 200 square feet of total floor area
All other finance insurance and real estate not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(d) Personal services.	
Laundrying, dry cleaning, apparel repair and cleaning services	1 space per 350 square feet of total floor area

Beauty, barber and photographic services	1 space per 300 square feet of total floor area and 1 space per employee
Kennels All other personal services not listed	1 space per 1,000 square feet of total floor area As determined by the Planning Commission or the Board of Zoning Appeals
(e) Business services.	
Advertising, consumer credit reporting and collections	1 space per 400 square feet of total floor area
Printing and publishing	1 space per 400 square feet of total floor area
Photocopying, mailing clerical and employment	1 space per 400 square feet of total floor area
Freight forwarding and trucking terminals	1 space per 5,000 square feet of total floor area
Self storage and warehousing	3 spaces plus 1 space per 50 units
Warehousing and storage	3 spaces plus 1 space per 1,000 square feet of floor area
Monument sales	1 space per 500 square feet of total floor area
Car wash-full service Car wash-self service	1 space per 1,000 square feet of total floor area 2 spaces plus 1 space per wash bay
All other business services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(f) Repair services.	
Automobile repair, oil and fluid changing services,	2 spaces per service lane plus one for each 200 sq. ft.
General electrical and other Similar repair services	1 space per 300 square feet of total floor area
All other repair services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

(g) Professional services.	
Physicians, dentist offices and clinics	1 space per 150 square feet of total floor area
Veterinarians and animal hospitals	1 space per 300 square feet of total floor area
Hospitals and sanitariums	1 space for each employee, 2 spaces for each bed plus 1 space for each emergency vehicle
Convalescent homes and rest homes	1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces
Day care and child care centers	1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with adequate queuing area
Attorneys, accountants, and engineers	1 space per 300 square feet of total floor area
All other professional services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(h) Contract construction services.	
All contract construction services	1 space per 1,000 square feet of total floor area
(i) Governmental services.	
All governmental services	As determined by the Planning Commission or the Board of Zoning Appeals
(j) Educational services.	
Elementary and middle schools	1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus 10 additional spaces. When an auditorium is provided, 1 additional space per 3 seats is required.
Senior high school	1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each 15 students based on the capacity for which the building was designed. When an auditorium is provided, 1 additional space per 3 seats in the auditorium is required.

All other educational services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(k) Miscellaneous Services	
Labor unions, clubs, lodges and civic, social or fraternal associations	1 space per 100 square feet of total floor area
Funeral home or moratorium	1 space per 100 square feet of total floor area
All other miscellaneous services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(l) Cultural activities.	
Libraries, museums and art galleries	1 space per 1,000 square feet of total floor area
All other cultural activities not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(m) Public assembly.	
Motion picture theaters, Amphitheaters and stadiums	1 space per 3 seats or 6 feet of bench space
All other public assembly uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(n) Amusements.	
Golf driving ranges and miniature golf	2 spaces per hole or tee
Arcades and pool halls	1 space per 200 square feet of total floor area
All other amusement uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals
(o) Recreational activities.	
Roller skating rinks and athletic clubs	1 space per 250 square feet of total floor area
All other recreation uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals

(p) Communications and utilities.

All communications and utility services As determined by the Planning Commission or the Board of Zoning Appeals

(q) Institutional.

Churches, synagogues and other places 1 space per 3 seats in the sanctuary
places of worship

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

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

(r) Wholesale trade.

Drugs, chemicals, and allied products 1 space per 1,000 square feet of total floor area

Groceries, electrical goods, hardware 1 space per 1,000 square feet of total floor area
and other items not listed

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

(s) Industrial.

All industrial uses 1 space per 1,000 square feet of floor area or
1.5 spaces for each 2 persons employed on the
largest shift, whichever is greater

(3) Queuing spaces. The following off-street vehicle queuing standards apply unless otherwise expressly approved by the planning commission. The planning commission may require additional off-street queuing spaces where trip generation rates suggest that additional spaces will be needed.

(a) Minimum number of spaces. Off-street queuing spaces must be provided as follows:

Facility	Minimum Spaces per lane(s)	Measured From
Automated teller machine	3	Machine
Bank teller lane	3	Window
Pharmacy Drive Through	3	Window
Vehicle Lubrication Stall	1	Entrance to Stall
Car wash stall	1	Entrance to wash bay
Gasoline pump aisle (either side of the pump)	1*	Pump aisle entrance
Restaurant Drive through	6	Transaction Window
Guards and gatehouses	1	Guard or Gatehouse
All others	As determined by the Planning Commission	

* If each island has two sets of pumps, no queuing space is required between the pumps. If two-way access is provided, queuing is required at either end of the pump aisle.

(b) The required queuing space shall be a minimum of 10' by 20' in size.

(c) All queuing spaces must be located on-site and cannot be permitted in the public right-of-way. The queuing spaces cannot impede on-site or off-site traffic movements between the site and the street or adjacent properties.

(4) Handicap parking requirements. (a) Accessible parking spaces need to be at least ninety six inches (96") (two thousand four hundred forty millimeters (2,440 mm) or eight feet (8')) wide and should have an adjacent access aisle.

(b) In case of van accessible parking space, an adjacent access aisle that is eight feet (8') wide is required. Standard vehicle parking space (cars) must have a five feet (5') wide access aisle adjacent to parking space.

(c) Regulations allow two adjacent parking spaces to share a common access aisle.

(d) Parking spaces and access aisles shall be in level with surface slopes not exceeding 1:50 (2%) in all directions.

(e) All access aisles should remain free of obstructions at all times. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

(f) The boundary of the access aisle must be clearly marked. The end may be a curved or square shape.

(g) Vertical clearance. A minimum ninety eight inches (98") of height clearance at van parking space, access aisle, and on vehicular route to and from van space is required.

(h) Handicap ramps. All handicap ramps and accessible routes shall be designed in accordance with ADA requirements. The following do not represent all of the requirements, but some of the most significant requirements.

(i) The minimum width of a curb ramp shall be thirty six inches (36").

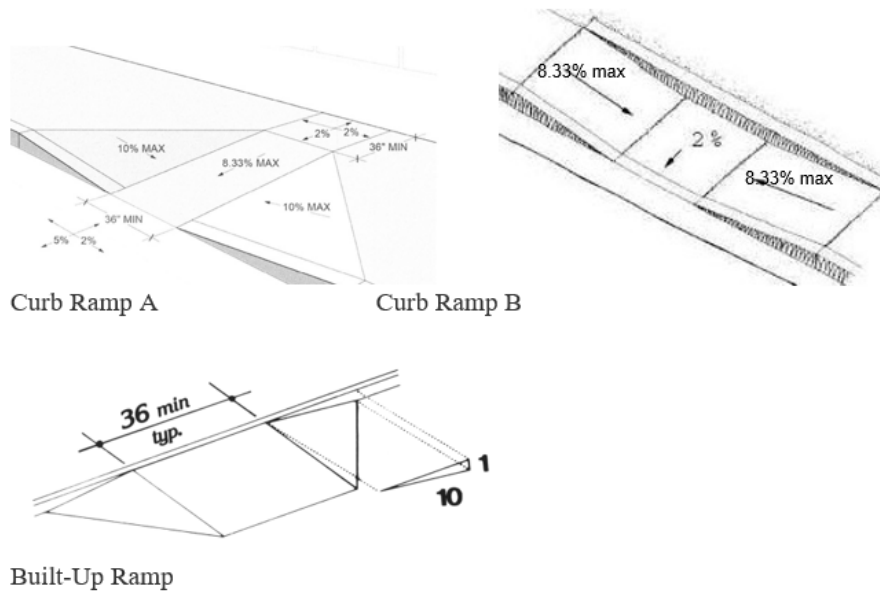
(ii) The maximum slope of a curb ramp shall be 1:12 or 8.33 %.

(iii) The maximum slope of a side or flare of a ramp shall be 1:10.

(iv) Curb Ramp A: When this type of ramp is used, there shall be a thirty six inches by thirty six inches (36" X 36") landing at the top of the ramp.

(v) Curb Ramp B: When a parallel curb ramp is used, the full width of the route shall not exceed a 1:12 slope.

(vi) Built-Up Ramp: When this ramp is used, it shall meet all other requirements and shall not extend into a vehicular traffic lane, parking space or the access aisles of handicap parking spaces.



Minimum Number of Handicap Parking Spaces Required

The amount of accessible parking spaces that must be provided is determined by the total number of spaces present in each parking lot. These regulations are based upon ADA rules and regulations.

Total Parking Spaces per Lot	(A) Standard (Car) accessible parking spaces (60 inch wide access aisle)	(B) Van Accessible Parking Spaces (96 inch wide access aisle)	TOTAL minimum number of accessible parking spaces (A + B)
1 – 25	0	1	1
26 - 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	6	1	7
301 – 400	7	1	8
401 – 500	7	2	9
501 – 1000	7 out of every 8 Accessible Parking Spaces	1 out of every 8 accessible parking spaces	2% of total parking provided in each lot
1001 (and over)	7 out of every 8 Accessible Parking Spaces	1 out of every 8 accessible parking spaces	20 plus 1 for each 100 over 1000

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

(b) All spaces shall be laid out in the dimension of at least ten feet by fifty feet (10' x 50') (five hundred (500) square feet in area), with a clearance of at least fourteen feet (14') in height.

(c) Where trailer trucks are involved, such loading and unloading space shall be an area twelve feet by fifty feet (12' x 50') with a fourteen foot (14') height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

(d) The following ratio of spaces to floor area applies to all districts:

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

(1981 Code, § 11.1103, as amended by Ord. #2003-19, July 2003, as replaced by Ord. #2015-15, Sept. 2015, and amended by Ord. #2017-16, Nov. 2017)

14-1204. Requirements and standards for CMCS towers. Where CMCS towers may be permitted by special use permit under this zoning ordinance, the following standards shall be established for their review and approval.

(1) Any application for a new CMCS tower shall not be approved, nor shall any building permit for a new CMCS tower be issued, unless the applicant certifies that the CMCS equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure because of one or more of the following reasons:

(a) The planned equipment would exceed the capacity of existing and approved structures, considering existing and planned use of those structures;

(b) The planned equipment would result in technical or physical interference with or from other existing or planned equipment;

(c) There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements;

(d) Other reasons that make it impracticable to place equipment planned by the applicant on existing and approved structures.

(2) Any proposed tower shall be structurally designed to accommodate at least one additional CMCS sectorized antenna array, if under 130 feet in height, or at least two additional CMCS sectorized antennas, if 130 feet in height or greater. Collocated CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.

(3) Nothing in this ordinance shall obligate the owner of an existing tower to collocate additional antennas on such tower, or shall be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

(4) Accessory facilities shall be permitted, but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions.

(5) Existing on-site vegetation shall be preserved to the maximum extent practicable and, shall be supplemented as required by the planning commission as necessary. Where the site abuts residentially developed land, residential zoning districts, the residential portion of an approved planned development, or public land or streets, the site perimeter shall be landscaped as required by the planning commission. Alternatives such as walls or fences may be permitted based on security or other reasons.

(6) Security fencing shall be required around the base and guy anchors of any towers.

(7) Towers shall not be artificially lighted unless:

(a) Required by the Federal Aviation Administration or other governmental authority;

(b) Circumstances make lighting appropriate for safety or other reasons unique to a specific location that are set forth in that application, but in no case shall any lighting shine into adjacent residential structures.

(8) The application for special use permit approve shall include the following:

(a) A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site.

(b) A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building

code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate.

(c) Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations.

(d) A letter of intent committing the tower owner and such owner's successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge for shared use, the potential use is technically compatible, and the future applicant is in good standing.

(9) The center of any CMCS tower, measured radially from the center of the tower, shall be at least five hundred feet (500') from the nearest property line of any real property that is zoned for residential use at the time the location of the CMCS tower is approved by the Board of Zoning Appeals, provided the CMCS tower is constructed at the approved location within one hundred eighty (180) days following such approval.

(10) All COS towers must be spaced a minimum distance of 114 mile apart, as measured from property line to property line. (Ord. #1997-17, Feb. 1998, as amended by Ord. #2012-6, March 2012)

CHAPTER 13

ADMINISTRATION AND ENFORCEMENT

SECTION

14-1301. Administration.

14-1302. Building permits.

14-1303. Certificate of occupancy.

14-1301. Administration. The provisions of this zoning ordinance shall be administered by the building inspector. He shall have the power to make inspections of buildings or premises necessary to carry out these duties in the enforcement and administration of this zoning ordinance. (1981 Code, § 11.1201)

14-1302. Building permits. Building permits are required and it shall be unlawful to commence construction of any parking lot, addition to or construction of a building including accessory buildings until the building inspector has issued a building permit for such work.

(1) Site plan as set forth in § 14-1201 to be submitted by the applicants for a building permit. The site plan shall be drawn by a licensed surveyor or licensed engineer showing the actual dimensions and shape of the lot to be built on; any proposed excavations and drainage treatments; the size and location on the lot of buildings already existing, if any; the location and dimensions of the proposed use, building or alteration; the location of all driveways and entrances; and the location and provisions for parking as required by the zoning ordinance. The building inspector may waive the requirement of having a site plan in those cases he deems appropriate.

(2) Additional building permit information shall include such other information as may be required by the building inspector. The information shall include the existing and proposed uses of the buildings and land, the number of families, housekeeping units or rental units on the lot; and other such matters as may be necessary to determine conformance with the provide for the enforcement of this zoning ordinance. No building permit shall be issued until the building inspector receives written approval by the Millington Water and Sewer Department of the proposed provisions for water supply and sewage disposal for the proposed use.

(3) Issuance of building permit. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this zoning ordinance and other ordinances of Millington, Tennessee, then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause. This issuance of a building permit shall in no case be construed as waiving any provision of this zoning ordinance. A

building permit shall become void six (6) months from the date of issuance unless construction has begun. Once begun, all construction must be completed within eighteen (18) months from the date of issuance of the permit or said permit shall become void.

A complete record of such application sketches and plans shall be maintained in the office of the building inspector. (1981 Code, § 11.1202)

14-1303. Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used or occupied or reoccupied until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of this and all other ordinances of the City of Millington. Within fourteen (14) days of receipt of the building inspector of a written notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this zoning ordinance; or, if such certificate is refused to state such refusal in writing with the cause. (1981 Code, § 11.1203)

CHAPTER 14

BOARD OF ZONING APPEALS

SECTION

14-1401. Created as appellate board.

14-1402. Creation and appointment.

14-1403. Compensation.

14-1404. Appeals: how taken.

14-1405. Powers.

14-1406. Training.

14-1401. Created as appellate board. The board of zoning appeals is created as an appellate board to review: actions of the building inspector; applications for uses permitted by appeal; and requests for variances. In all cases the actions of the board of zoning appeals for the City of Millington shall be governed as set forth below. (1981 Code, § 11.1301)

14-1402. Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, § 13-7-305. The board of zoning appeals shall consist of five (5) members, not more than one (1) of whom shall be a member of the Millington municipal planning commission and who shall be appointed by the mayor of the City of Millington. The terms of membership shall be five (5) years, except that the terms of four of the members first appointed shall be one (1), two (2), three (3) and four (4) years respectively. Vacancies shall be filled for an unexpired term by appointment by the board of mayor and aldermen. (1981 Code, § 11.1301.1)

14-1403. Compensation. All members of the board shall serve with such compensation as may be fixed by the board of mayor and aldermen and may be removed from membership by majority vote of the board of mayor and aldermen for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. (1981 Code, § 11.1301.2)

14-1404. Appeals: how taken. Any appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. The building inspector shall be required to specify in writing to the applicant either his approval or rejection and within 30 days from the date of said approval or rejection, the appeal as aforesaid may be taken by filing with the board of zoning appeals a notice of appeals, specifying the grounds thereof.

Inspector shall transmit to the board all papers constituting the record of actions taken prior to the request for an appeals. The board of zoning appeals shall fix a notice there as well as due notice to the parties in interest, and decide same within a reasonable time.

At the time of the hearing any person or party may appear in person or by agent or by attorney. (1981 Code, § 11.1301.3)

14-1405. Powers. The board of zoning appeals shall have the following powers:

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit decision, determination or refusal made by the building inspector or other administrative official in carrying out or enforcement of any provisions of the ordinance; and for interpretation of the zoning map.

(2) Special exceptions. To hear and decide applications for special exceptions as specified in this zoning ordinance.

(3) Variance. To hear and decide applications for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of the adoption of this ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of piece of property the strict application of the provisions of the ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this zoning ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below.

The board of zoning appeals shall not grant a variance unless it makes findings based upon evidence presented to it as follows.

(a) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this zoning ordinance were carried out.

(b) The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.

(c) The variance will not authorize activities in a zoning district other than those permitted by this zoning ordinance.

(d) Financial returns alone shall not be considered basis for granting a variance.

(e) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this zoning ordinance.

(f) That granting the variance requested will not confer on this applicant any special privilege that is denied by this ordinance to other lands, structures, or building in the same district.

(g) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(h) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.

(i) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(j) The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.

(k) Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this zoning ordinance in said district.

(4) Conditions and restrictions by the board of zoning appeals. The board of zoning appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding properties and better carry out the general intent of this zoning ordinance.

(5) Rules and proceedings of the board of zoning appeals. The board of zoning appeals shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

(a) The presence of three members shall constitute a quorum and the concurring vote of at least three members of the board of zoning appeals shall be necessary to deny or grant any application before the board.

(b) The board of zoning appeals shall elect from its members its own chairman and vice-chairman, and secretary who shall serve for 1 year and may upon election serve succeeding terms.

(c) Any member of the board of zoning appeals who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board of zoning appeals shall be disqualified from participating in the discussion, decision, and proceeding of the board of zoning appeals in connection therewith. The burden of revealing any such conflict rests with individual members of the board of zoning appeals. Failure to reveal any such conflict shall constitute grounds for removal from the board of zoning appeals.

(d) Meeting of the board of zoning appeals. Meetings shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. The chairman, or in his absence the

vice-chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

(e) No action shall be taken by the board of zoning appeals on any case until after a public hearing and notice thereof. Said notice of public hearing shall be published in a newspaper of general circulation in Millington at least 5 days before the date set for a public hearing and a written notice of the hearing be sent by mail to the appellant and all directly affect property owners at least 5 days before the hearing. The notice to appellant shall be sent by registered mail.

(f) The board of zoning appeals may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board of zoning appeals as may be reasonably required.

(g) The Millington planning commission shall be permitted to submit an advisory opinion on any matter before the board of zoning appeals and such opinion shall be made part of the record of such public hearing.

(h) In any decision made by the board of zoning appeals on a variance, the board of zoning appeals shall:

(i) Indicate the specific section of this zoning ordinance under which the variance is being considered, and shall state its finding beyond such generalities as "in the interest of public health, safety general welfare".

(ii) In cases pertaining to hardship, specifically identify the hardship warranting such action by the board of zoning appeals.

(i) At the public hearing of the case before the board of zoning appeals, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

(j) Right to entry upon land. The board of zoning appeals, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this zoning ordinance. (1981 Code, § 11.1301.4)

14-1406. Training. Members of the board of zoning appeals shall not be required to obtain training as required by Tennessee Code Annotated, § 13-7-205(c). (as added by Ord. #2017-4, April 2017)

CHAPTER 15

AMENDMENTS

SECTION

- 14-1501. General.
- 14-1502. Initiation of amendments.
- 14-1503. Application for amendment fee.
- 14-1504. Review and recommendation by the planning commission.
- 14-1505. Grounds for an amendment.
- 14-1506. Public hearing and notice of hearing.
- 14-1507. Amendments affecting zoning map.
- 14-1508. Effect of denial of application.

14-1501. General. The board of mayor and aldermen may, from time to time, amend this zoning ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original zoning ordinance, or whenever the public necessity, convenience, and general welfare require such amendment. (1981 Code, § 11.1401)

14-1502. Initiation of amendments. Amendments may be initiated by the board of mayor and aldermen, planning commission, or by an application of one or more owners or agents of property affected by the proposed amendment. (1981 Code, § 11.1402)

14-1503. Application for amendment - fee. An application by an individual for an amendment shall be accompanied by a fee as set by the board of mayor and aldermen of the City of Millington and shall also be accompanied by maps, drawing, and data necessary to demonstrate that the proposed amendment is in conformance with the general plan of the area and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. Specifically, the application shall contain the following information:

- (1) Name, address and telephone number of applicant.
- (2) If different from the applicant, the name, address and telephone number of the owner or other person having a contractual interest in the property for which a zoning district amendment is requested.
- (3) A plot plan/legal description of each parcel of property proposed to be reclassified.
- (4) A vicinity map showing the subject property and all adjacent properties. Such vicinity map shall indicate the owner's name and dimensions of each parcel shown.
- (5) A list of the names and addresses of the owners of each parcel of property shown on the vicinity map.

(6) Present zoning classification and use of each parcel of property for which a zoning amendment is requested.

(7) If an amendment to the zoning map is requested, the zoning classification requested for each parcel which is the subject of the application.

(8) If an amendment to the text of this zoning ordinance is requested, the language of the proposed text amendment and a statement of the reason for the requested amendment. (1981 Code, § 11.1403)

14-1504. Review and recommendation by the planning commission. The planning commission shall review and make recommendations to the board of mayor and aldermen on all proposed amendments to this zoning ordinance. (1981 Code, § 11.1404)

14-1505. Grounds for an amendment. The planning commission in its review and recommendation and the board of mayor and aldermen in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

(1) The amendment is in agreement with the general plan for the area.

(2) It has been determined that the legal purposes for which zoning exists are not contravened.

(3) It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare.

(4) It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(5) It has been determined that there was a mistake made in the original zoning or a change in conditions which prompted the original zoning. (1981 Code, § 11.1405)

14-1506. Public hearing and notice of hearing. A public hearing shall be held on all proposed amendments to this zoning ordinance prior to the final reading by the board of mayor and aldermen. Notice of such hearing be displayed as follows:

The city recorder shall give notice in a newspaper of general circulation within the City of Millington at least 15 days, but no more than 30 days, prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area. (1981 Code, § 11.1406)

14-1507. Amendments affecting zoning map. Upon enactment of an amendment to the zoning map which is part of this zoning ordinance, the building inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance. (1981 Code, § 11.1407)

14-1508. Effect of denial of application. Whenever an application for an amendment to the text of this zoning ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

(1) Upon initiation by the board of mayor and aldermen or planning commission.

(2) When the new application, although involving any or a portion of the same property, is for a different zoning district than that for which the original application was made.

(3) When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning. (1981 Code, § 11.1408)

CHAPTER 16

LEGAL STATUS PROVISIONS

SECTION

- 14-1601. Interpretation.
- 14-1602. Relation to other laws and private restrictions.
- 14-1603. Ordinance provisions do not constitute permit.
- 14-1604. Provisions are cumulative.
- 14-1605. Separability.
- 14-1606. Application of regulation.
- 14-1607. Scope of regulation.
- 14-1608. Violation and penalty.
- 14-1609. Effective date.

14-1601. Interpretation. In their interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. (1981 Code, § 11.1501)

14-1602. Relation to other laws and private restrictions.

(1) Where the conditions imposed by any provisions of this zoning ordinance upon the use of land or buildings, or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this zoning ordinance or of any other law, resolution, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply.

(2) This zoning ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this zoning ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this zoning ordinance shall govern. (1981 Code, § 11.1502)

14-1603. Ordinance provisions do not constitute permit. Nothing contained in this zoning ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity. (1981 Code, § 11.1503)

14-1604. Provisions are cumulative. The provisions of this zoning ordinance are cumulative with additional limitations imposed by all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter appearing in this zoning ordinance. (1981 Code, § 11.1504)

14-1605. Separability. It is hereby declared to be the intention of the City of Millington, Tennessee, that the several provisions of this zoning ordinance are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this zoning ordinance to be invalid, such judgement shall not affect any provision of this zoning ordinance not specifically included in said judgement.

(2) If any court of competent jurisdiction shall adjudge the application of any provision of this zoning ordinance to a particular property, building or other structure, such judgement shall not affect the application of said provisions to any other property, building, or structure, such judgement shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgement. (1981 Code, § 11.1505)

14-1606. Application of regulation. No building or other structure shall be constructed, erected, placed or maintained and no land use commenced within the city except as specifically, or by necessary implication, authorized by this zoning ordinance. Special exception uses are allowed only on permit granted by the board of zoning appeals. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication. (1981 Code, § 11.1506)

14-1607. Scope of regulation. (1) New uses, lots, buildings or other structures. Upon the effective date of this zoning ordinance, any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this zoning ordinance.

(2) Existing use, lots, building or other structures. Any existing use, lot parcel, building or structure legally established prior to the effective date of this zoning ordinance, which does not comply with the provisions, shall be subject to the nonconforming use provisions in § 14-401(2) of this zoning ordinance.

(3) Alteration of existing building and other structures. All structural alterations or relocation of existing building or structures, occurring after the effective date of this zoning ordinance, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all regulations of this zoning ordinance which are applicable to the zoning districts in which such buildings uses, or land shall be located. (1981 Code, § 11.1507)

14-1608. Violation and penalty. Any person, firm, or corporation violating any of the provisions of this zoning ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any

person who may have knowingly assisted the commission of any such violations, shall be guilty of separate offense. (1981 Code, § 11.1508)

14-1609. Effective date. This ordinance shall be in full force and effect ten (10) days after final passage the public welfare requiring it. (1981 Code, § 11.1509)

CHAPTER 17

SUBDIVISION DEVELOPMENT

SECTION

14-1701. Adoption of code for minimum standards for subdivision development.

14-1702. Incorporation by reference.

14-1701. Adoption of code for minimum standards for subdivision development. There is hereby adopted by the City of Millington, Tennessee, for the purpose of establishing basic rules and regulations and provisions governing the development of subdivisions within the city, and the regulations governing water, sewage, drainage, curbs, gutters, sidewalks, etc., the City of Millington Code for Minimum Standards for Subdivision Development. (1981 Code, § 11-2101, modified)

14-1702. Incorporation by reference. Said code is hereby adopted and incorporated by reference as fully as if set out at length herein. Not less than three copies of the code has been and is now on file in the office of the city clerk of Millington, Tennessee. (1981 Code, § 11-2102, modified)

CHAPTER 18

TRAILER COACH PARKS

SECTION

- 14-1801. Parking of trailers restricted.
- 14-1802. Definitions.
- 14-1803. License required.
- 14-1804. Application for and issuance of license.
- 14-1805. Trailer coach park plan generally.
- 14-1806. Park location.
- 14-1807. Water supply.
- 14-1808. Sanitation facilities.
- 14-1809. Laundry facilities.
- 14-1810. Sewage disposal.
- 14-1811. Refuse containers.
- 14-1812. Fire protection.
- 14-1813. Animals and pets.
- 14-1814. Register of occupants.
- 14-1815. Enforcement of chapter.
- 14-1816. Annual permit fee.

14-1801. Parking of trailers restricted. Trailers shall not be parked on any public thoroughfare, streets, alley or public place in the City of Millington, Tennessee, for longer than one hour when no emergency for repairs exists. (1981 Code, § 5-101)

14-1802. Definitions. For the purposes of this chapter the following words and phrases shall have the meanings indicated:

- (1) "Dwelling." A house, apartment building, or other permanent building designed or used primarily for human habitation.
- (2) "Natural or artificial barrier." Any river, pond, canal, railroad, levee, embankment, fence or hedge.
- (3) "Park." A trailer coach park.
- (4) "Person." Any natural individual.
- (5) "Trailer coach." Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.
- (6) "Trailer coach park." Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (7) "Trailer coach space." A plot of ground within a trailer coach park designed for the accommodation of one trailer coach.
- (8) "Dependent trailer coach." A trailer coach which does not have a toilet and bath or shower.

(9) “Independent trailer coach.” A trailer coach that has a toilet and a bath or shower.

(10) “Dependent trailer coach space.” A trailer coach space which is designed to accommodate a dependent trailer coach and does not have sewer and water connections to accommodate a toilet and a bath or shower in a trailer coach.

(11) “Independent trailer coach space.” A trailer coach space which has sewer and water connections designed to accommodate the toilet and bath or shower contained in an independent trailer.

(12) “Director of health and sanitation.” The term "director of health and sanitation" shall mean the director of health and sanitation of the City of Millington or his authorized representatives, and shall also include in its definition the Director of the Memphis and Shelby County Health Department or his authorized representatives. (1981 Code, § 5-102)

14-1803. License required. It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Millington, Tennessee, any trailer coach park unless such person shall first obtain a license therefor and in all other respects comply fully with the requirements of this chapter. The license shall be posted in a conspicuous place in the park and shall not be transferable. (1981 Code, § 5-103)

14-1804. Application for and issuance of license. (1) The application for a trailer coach park license shall be in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location, and legal description of the trailer coach park.
- (c) A complete plan of the park showing compliance with the requirements of this chapter.
- (d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.
- (e) Such further information as may be requested by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

(2) The application and all accompanying plans and specifications shall be filed in triplicate with the building inspector. The building inspector, the health officer and the mayor shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and if the proposed trailer coach park will be in compliance with all provisions of the chapter and all other applicable ordinances or statutes, the building inspector shall approve the application and upon completion of the park according to the plans shall issue the license. (1981 Code, § 5-104)

14-1805. Trailer coach park plan generally. Each trailer coach park shall conform to the following requirements:

(1) The park shall be located on a well-drained site which is properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Trailer coach spaces shall be provided that are a minimum 35 feet in width and clearly defined. Trailer coaches shall be placed on each space so as to provide a minimum 10-foot front yard, a minimum 7 1/4-foot rear yard, and that a minimum space between trailer coaches and/or their additions be 15 feet. No trailer coach shall be located closer than 50 feet from a dwelling nor closer than 10 feet from any property line bounding the park.

(3) All trailer coach spaces shall abut upon a driveway of not less than thirty feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be lighted at night with 150-watt lamps at intervals of 100 feet and located approximately 15 feet from the ground.

(4) Walkways of not less than 3 feet in width shall be provided from the trailer coach spaces to the service buildings. The walkways shall be lighted at night with 75-watt lamps at intervals of 100 feet and located approximately 15 feet above ground.

(5) Electrical outlets supplying both 110 volts and 220 volts shall be provided at the rear of each trailer space.

(6) Telephone lines and connections shall be provided at the rear of each trailer coach lot.

(7) All lines crossing roadways must be 15 feet above crown of said roadway. (1981 Code, § 5-105)

14-1806. Park location. Trailer coach parks shall be located only in a trailer coach park zone. (1981 Code, § 5-106)

14-1807. Water supply. An adequate supply of water under pressure, from a source and of a quality approved by the Tennessee Department of Public Health, shall be provided. Where possible, approved municipal water supplies shall be used. Water shall be piped to each trailer lot. There shall be a water outlet in each shower room, wash room, laundry room and sink and night waste container washing facility. (1981 Code, § 5-107)

14-1808. Sanitation facilities. Each park shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than one (1) flush toilet for every ten (10) dependent trailer coach spaces, one (1) shower or bath tub for every ten (10) dependent trailer coach spaces, and one (1) lavatory

for every twenty (20) dependent trailer coach spaces. Each toilet, shower and bath tub shall be in a private compartment.

(3) Toilet and urinal facilities for men shall consist of not less than one (1) flush toilet for every fifteen (15) dependent trailer coach spaces, one (1) shower or bath tub for every ten (10) dependent trailer coach spaces, and one (1) lavatory for every ten (10) dependent trailer coach spaces. Each toilet, shower and bath tub shall be in a private compartment.

(4) A dependent trailer coach may be parked on an independent trailer coach space, but in such event such space shall be regarded as being a dependent trailer coach space during the period of such occupancy by a dependent trailer coach for the purpose of determining compliance with the provisions of subsections 2 and 3 of this section.

(5) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems, and shall be located not closer than ten (10) feet nor farther than 150 feet from any dependent trailer coach space.

(6) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(7) The service buildings shall be well lighted at all times of the day and night, and shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. The floor of the service building shall be of water impervious material and shall slope to a floor drain connected with the sewerage system.

(8) All service buildings, trailers, trailer coach spaces and the grounds of the park shall be maintained in a clean and sightly condition and shall be kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1981 Code, § 5-108)

14-1809. Laundry facilities. The laundry facilities shall be provided in the ratio of one double laundry tub and ironing board for every twenty (20) trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying spaces shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems. (1981 Code, § 5-109)

14-1810. Sewage disposal. Waste from showers, bath tubs, toilets, slop sinks and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewage disposal plant or septic tank system in such manner as to conform to the specifications of the

health officer. All kitchen sinks, washbasins, showers and bath tubs in any trailer coach harbored in any park shall empty into the sanitary sink drain located on the trailer coach space. (1981 Code, § 5-110)

14-1811. Refuse containers. Each park shall provide such number of refuse containers as shall be necessary for the sanitary storage of refuse for collection. Such containers shall be constructed and maintained in accordance with the provisions of title 17 in this code. (1981 Code, § 5-111)

14-1812. Fire protection. Every park shall be equipped at all times with a fire extinguisher in good working order for every twenty (20) trailer coach spaces. It shall be located not further than 200 feet from any trailer coach space. No open fire shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (1981 Code, 5-112)

14-1813. Animals and pets. No owner or person in charge of any dog or cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach park. (1981 Code, § 5-113)

14-1814. Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the park.

(1) The register shall contain the following information:

(a) Name and address of each occupant.

(b) Make, model and year of all automobiles and trailer coaches.

(c) License number and owner of each trailer coach and automobile by which it is towed.

(d) State issuing such licenses.

(e) Dates of arrival and departure of each trailer coach.

(2) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration. (1981 Code, § 5-114)

14-1815. Enforcement of chapter. The health officer shall make periodic inspections of the park to assure compliance with this chapter. In case of noncompliance with any provisions of this chapter, the health officer shall notify the licensee. Thereafter upon failure of the licensee to remedy said violation, the health officer shall recommend to the board of mayor and aldermen the revocation of the offending park's license. The board shall hold a hearing on the matter, and, upon a determination of noncompliance, shall revoke said license. The license may be reissued if the circumstances leading to the revocation have been remedied and the park may thereafter be operated in full compliance with the law. (1981 Code, § 5-115)

14-1816. Annual permit fee. Before a license is issued pursuant to § 14-1803, the licensee shall pay an annual permit fee, as follows: Three dollars (\$3.00) for each space, said permit to designate the number of spaces approved, provided that the minimum fee shall be thirty-seven dollars and fifty cents (\$37.50), and the maximum fee shall be three hundred dollars (\$300.00). This fee shall be due on July 1 of each fiscal year for a twelve-month period, and shall be delinquent and no license issued unless paid by July 31 of each year. (1981 Code, § 5-116)

CHAPTER 19

WELLHEAD PROTECTION OVERLAY DISTRICT

SECTION

- 14-1901. Statutory authorization, findings of facts, purpose and objectives.
- 14-1902. Definitions.
- 14-1903. Authority and applicability.
- 14-1904. Extent and designations.
- 14-1905. Use regulations.
- 14-1906. Variance regulations.
- 14-1907. Site plan submission and administrative requirements.
- 14-1908. Enforcement and penalties.

14-1901. Statutory authorization, findings of facts, purpose and objectives. (1) Statutory authorization.

(a) Section 42 USC 300H-7 of the Federal Safe Drinking Water Act mandates that every state develop a wellhead protection program to protect public water supplies which utilize a groundwater source. Tennessee's statewide program was established by the adoption of § 1200-5-1-34 of the Tennessee Rules and Regulations for Public Water Systems, (the "Rules"), under the authority granted in Tennessee Code Annotated, §§ 68-221-704 and 4-5-202.

(b) The Legislature of the State of Tennessee in Tennessee Code Annotated §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(2) Findings of fact. (a) The city owns and operates a Public Water System ("PWS").

(b) The rules require that wellhead protection areas be established by each PWS, known as Zone 1 and Zone 2.

(c) Wellhead protection areas have been established for the Millington PWS and approved by the Tennessee Department of Environment and Conservation ("TDEC") in November, 1995 (the "Wellhead Protection Areas").

(d) The city desires to bring all proposed land-use activities in the wellhead protection areas into conformance with the wellhead protection guidelines developed by TDEC.

(e) Wellhead protection areas, Zone 1 is an area immediately surrounding the water sources, which represents an eight (8) week capture zone and within which land-use activities are prohibited and/or restricted in order to protect the well or source of ground water.

(f) Wellhead protection areas, Zone 2 is an area incorporating and adjacent to wellhead protection area, Zone 1, which represents a forty (40) year capture zone that is determined on the basis of groundwater

direction and recharge, and within which land-use activities are prohibited and/or restricted in order to protect the well or source of groundwater.

(g) Possible contaminant sources have been identified within the wellhead protection areas, and a potential contaminant source inventory has been compiled so that a safe potable water supply may be provided now and for future generations.

(3) Statement of purpose. It is the purpose of this chapter to protect the public, municipal water supply the city from land uses which pose a threat to the quality and quantity of the groundwater being extracted from the city's municipal wells within the land areas described as wellhead protection areas.

(4) Objectives. The objectives of this chapter are to:

(a) Protect human life and health.

(b) Insure that the citizens and institutions that are customers of the city's water system are provided with a safe potable water supply now and for future generations.

(c) Prevent the contamination of groundwater resources.

(d) Prevent excessive extraction of the groundwater resources.

(e) Restrict or prohibit land-use activities that store, handle, or produce regulated substances.

(f) Require the use of best management practices (regulatory and non-regulatory) for the protection of future groundwater sources of drinking water.

(g) Identify the responsibilities of the city, as the local governmental unit, and the city planning commission and the board of zoning appeals, as the responsible agents for the city, in protecting groundwater resources.

(h) Provide a mechanism for the city to work with neighboring communities to safeguard areas extending into other jurisdictions.

(i) Minimize expenditure of public funds for pollution remediation projects.

(j) Minimize regulations of land use.

(k) Minimize business interruptions.

(l) Minimize damage to public facilities and utilities such as water mains, sewer lines, and treatment facilities.

(m) Protect the natural resources of the state. (As added Ord. #1998-7, June 1998)

14-902. Definitions. Unless specifically defined below, words and phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

For purposes of interpreting, administering and enforcing this chapter, the words and phrases defined below shall have the meaning assigned in this section:

(1) "Aquifer." A geologic formation, portion thereof, or group of formations (including overlying unconsolidated material) which contains and is capable of yielding a sufficient quantity of ground water to serve as a domestic or public water supply or other use.

(2) "Base zoning district." The zoning districts set out in Title 14, Chapter 3 of the Millington Municipal Code.

(3) "Best management practices." Operational procedures for handling, storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

(4) "Board of zoning appeals." The city's board of zoning appeals.

(5) "Building permit." The permit required by the city for construction, occupation, and use of a building within its municipal limits.

(6) "Certificate of conformance." A document issued by the city engineer which certifies that a proposed use meets or exceeds the requirements of the wellhead protection plan.

(7) "Construction." Building, erecting, moving, excavation, filing, paving, or any physical operations on a premises.

(8) "Contaminant." A substance of such nature, quality and quantity as to cause degradation of the quality of groundwater. Reference: Tennessee Rule 1200-4-9-01, Water Well Licensing.

(9) "Contaminant source inventory." The inventory compiled by the city of the sources within the wellhead protection areas with the potential to contaminate the groundwater.

(10) "Contamination." The act of introducing into water foreign materials of such nature, quality and quantity as to cause degradation of the quality of the water. Reference: Tennessee Rule 1200-4-9-01, Water Well Licensing.

(11) "Excessive extraction." A non-municipal withdrawal of groundwater from an aquifer that results in or may result in the lowering of the water level or piezometric surface to such an extent as to interfere with the normal operation of existing private, industrial or municipal water wells, or withdrawal from an aquifer which will lead to desaturation of the aquifer or desaturation to a point where consolidation of the aquifer material occurs, preventing any further recharge of the aquifer from occurring.

(12) "Ground water." Any water of the state as defined in Tennessee Code Annotated, § 69-3-103 (Tennessee Water Quality Control Act), occurring below the surface of the ground not contained by artificial barriers.

(13) "Ground water contamination." Presence of any substance designated by the United States Environmental Protection Agency (EPA) or the State of Tennessee as a primary or secondary water quality parameter, in excess of the maximum allowable contaminate level (MCL) or as regulated under the Primary Drinking Water Standards of the Safe Drinking Water Act.

(14) "Ground Water Institute (GWI)." The research organization within the Herff College of Engineering at the University of Memphis which serves as a center of expertise in ground water science for the mid-south area.

(15) "Hazardous material." A material which is included in one or more of the following categories.

(a) "Ignitable." A gas, liquid, or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.

(b) "Carcinogenic." A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.

(c) "Explosive." A reactive gas, liquid, or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure, or combinations thereof. Examples: dynamite, organic peroxides, and ammonium nitrate.

(d) "Highly toxic." A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.

(e) "Moderately toxic." A gas, liquid, or solid which, through repeated exposure or in a single large dose, can be hazardous to humans. Examples: atrazine.

(f) "Corrosive." Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

(16) "Local government unit." The city.

(17) "Percolation rate." The rate at which water flows or trickles through porous soils, as determined by a percolation test.

(18) "Pollutant travel time." The time required by pollutants to travel from one point to another.

(19) "Potable water." Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current state and federal drinking water standards.

(20) "Regulated substance." A substance for which there are federal, state and/or local regulations governing its use, storage, and/or disposal.

(21) "Responsible agent." The city planning commission (the "planing commission").

(22) "Shelby County Ground Water Quality Control Board." The regulatory board consisting of appointed individuals which has jurisdiction within Shelby County to manage Wellhead Protection Guidelines developed by TDEC pertaining to the protection of the public water supplies which utilize ground water sources within the boundaries of Shelby County.

(23) "Storm water drainage." A sewer or other system for conveying surface runoff due to storm events and unpolluted groundwater or surface

water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

(24) "Surface runoff." That part of the precipitation that passes over the surface of the soil to the nearest surface stream without first passing beneath the surface.

(25) "Tennessee Department of Environment and Conservation (TDEC)." The state agency authorized by EPA to adopt and enforce section 1428 of the 1986 Amendments to the Federal Safe Drinking Water Act, mandating the protection of public water supplies which utilize a ground water source.

(26) "Travel time contour." Locus of points from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

(27) "Wastewater." Any combination of water carried wastes from institutional, commercial and industrial establishments, and residences together with any storm, surface water, or groundwater as may be present.

(28) "Water table." The upper surface of a zone of saturation except where that surface is formed by an impermeable barrier.

(29) "Well, abandoned." An abandoned or unused well shall be defined under one or more of the following:

(a) A well, other than a monitoring well, which has been out of service continuously for one year or more and does not meet the definition of an inactive well.

(b) A monitoring well from which no measurement or sample has been taken for a period of three years.

(c) A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.

(d) A test hole or exploratory boring 24 hours after construction and testing work has been completed.

(e) A cathodic protection well that is no longer functional for its original purpose.

(f) Any boring intended for the construction of a well that cannot be satisfactory completed.

(30) "Well, active." An active well is a well that has been utilized at least once in the preceding 12 months for the extraction of groundwater and has all applicable licenses, permits and approvals.

(31) "Well, inactive." An inactive well or standby well means a well that has not been used for a period of one year or more for the production of groundwater, but is maintained in such a condition that it could be so used, or a monitoring well maintained for such use, or a cathodic protection well maintained for such use and has all applicable licenses, permits and approvals.

(32) "Wellfield." A tract of land, either contiguous or disjointed, which contains a number of existing or proposed wells for supplying water as specified in the Wellfield Protection Map.

(33) "Wellfield Area of Contribution." Area of an aquifer where ground water flow is diverted to a pumping well due to a lowering of the water table.

(34) "Wellfield Protection Map." A map showing the areas of the City designated as wellhead protection areas, Zone 1 and Zone 2, which represent eight (8) week and forty (40) year capture zones, respectively; and within which land-use activities are prohibited and/or restricted in order to protect a well, or source of groundwater.

(35) "Wellfield Recharge Area." The area from which groundwater flows directly to the wellfield area of contribution.

(36) "Wellhead." The specific location of the source area for water which is withdrawn from a well or spring.

(37) "Wellhead Protection area." The areas of the city designated as wellhead protection areas, Zone 1 and Zone 2, which represent eight (8) week and forty (40) year capture zones, respectively; and within which land-use activities are prohibited and/or restricted in order to protect a well, or source of groundwater.

(38) "Wellhead Protection Overlay District." An overlay district on the existing zoning districts which represents the area covered by wellhead protection areas, Zone 1 and Zone 2.

(39) "Wellhead Protection Overlay Map." A map generated by the city illustrating the location of wellhead protection areas, Zone 1 and Zone 2. Such map is incorporated on the City of Millington's Official Zoning map.

(40) "Zone of Contribution." The area from which groundwater flows to an active well. (As added by Ord. #1998-7, June 1998)

14-1903. Authority and applicability. (1) Application.

(a) The wellhead protection overlay district, shall be deemed an overlay on the application zoning districts, and shall be shown on published maps entitled "Millington Zoning Map." In the wellhead protection overlay district, the regulations set forth in this chapter shall apply, unless superseded by a more stringent regulation of the base zoning district.

(b) The regulations set forth in this chapter shall apply to all land uses and activities located or proposed within the area delineated as the wellhead protection area in the city on a map available for inspection at the office of the building inspector, and as defined in the definitions section of this chapter. The wellhead protection area consists of wellhead protection area Zone 1 and wellhead protection area Zone 2, identified in § 14-1902, for the city municipal wells.

(c) The Millington Wellhead Protection Overlay map shall be available for inspection at the office of the building inspector.

(d) The planning commission, as the responsible agent for the city, shall review all development plans within the wellhead protection area and review any other related matters that may arise in the administration of this chapter. The board of zoning appeals shall make any necessary interpretation of wellhead protection areas, Zone 1 and Zone 2.

(2) Basis for establishing the wellhead protection area. (a) The rules require that every Public Water System (PWS) in the state set up a two-zone protection system for its groundwater source.

(b) The city, utilizing the groundwater flow model presented by the GWI, has established a two-zone protection system for the city's groundwater resources.

(3) Requirement for development permit. Prior to site plan approval by the planning commission, the applicant shall obtain a "Certificate of Conformance" with the wellhead protection overlay district chapter, from the city engineer in a timely manner, of all proposed land-use activities in wellhead protection areas, Zone 1 and Zone 2 within the city.

If, upon review of the site plan, the city engineer determines that additional information is necessary to completely evaluate the proposed development, the city engineer may defer the development plan to the Shelby County Ground Water Quality Control Board (SCGWQCB) for review and recommendation prior to approval of the plan for a "Certificate of Conformance."

A certificate of conformance shall be required prior to the commencement of any development activity.

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

(5) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the city; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(6) Interpretation of wellhead protection area. Where interpretation is needed as to the exact location of any boundary of wellhead protection area, Zone 1 and Zone 2, the city board of zoning appeals shall make the necessary interpretation.

The planning commission shall be responsible for review of all development plans within wellhead protection areas, and other related matters that may arise in the administration of this chapter.

A person contesting the location of the wellhead protection area shall be afforded reasonable opportunity before the board of zoning appeals to present any technical evidence he may wish to support his position. Any proposed adjustments shall be based on the same modeling techniques defined in Zone 1 and Zone 2 reports approved by TDEC (November 1995) and the latest approved delineation of Zone 1 and Zone 2 by TDEC. The board of zoning appeals shall not consider any application for a variance from the provisions of this chapter until the planning commission has had an opportunity to review the application and make a written recommendation to the board of zoning appeals. The planning commission shall have forty-five (45) working days from the filing of any application, for a variance from this chapter, to review and issue its

recommendation. The application shall be advertised for public hearing for the next regularly scheduled board of zoning appeals meeting following the expiration of the forty-five (45) day period.

(7) Warning and disclaimer of information. The levels of wellhead protection required by this chapter are considered reasonable for regulatory purposes and are based on scientific and engineering considerations approved by tdec. This chapter does not imply that land protected under this chapter within the wellhead protection areas shall be free from contamination or excessive extraction. This chapter shall not create liability on the part of the city, on any officer or employee thereof, of the GWI, or and member, officer or employee of the SCGWQCB for any damages to groundwater resources that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Conflict with other provisions. (a) The requirements of wellhead protection area, Zone 1 and Zone 2, are in addition to those contained in the basic base zoning districts.

(b) Where any conflicts exist between the provisions of this chapter and any other ordinance or regulation of the city, these provisions shall govern; provided, however, that these provisions shall not be construed as permitting any use which is prohibited or permitted only as a special exception within the base zoning district.

(9) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. (As added by Ord. #1998-7, June 1998)

14-1904. Extent and designations. (1) Extent of wellhead protection area. The wellhead protection area consists of two (2) areas, Zone 1 and Zone 2 which are listed and described below:

Wellhead protection area Zone 1 extends approximately one hundred (100) foot radially from the wellhead, representing an eight (8) week capture zone that is determined on the basis of groundwater flow direction and recharge.

Wellhead protection area Zone 2 extends from the wellhead and includes Wellhead Protection Area Zone 1 and the forty (40) year capture zone that is determined on the basis of groundwater flow direction and recharge.

(2) Wellhead protection area delineation. Boundaries for the Wellhead Protection Area zones for the Wellhead Protection Overlay Districts are shown on published maps entitled “Millington Wellhead Protection Overlay Map” and are hereby adopted by reference as part of this chapter as if the maps were fully described herein. The Millington Wellhead Protection Overlay Map is incorporated on to the Official Zoning Map for the City of Millington

The boundaries of wellhead protection areas are based on the predicted groundwater flow pattern in the vicinity of city wellfields.

(3) Delineation methodology. Wellhead protection area delineation shall be based on the approved TDEC methodology.

(4) Amendment of Wellhead Protection Area. The wellhead protection areas shall be reviewed and modified annually by the planning commission of the city, at the beginning of each calendar year, and the Millington Wellhead Protection Overlay Map shall be revised accordingly.

Every three (3) years changes shall be made to Millington Wellhead Protection Overlay Map to show the location of new wells, update the contaminant source inventory, adopt better modeling techniques and incorporate recent and more accurate hydrogeologic data.

(5) Location of properties. In determining the location of properties within the wellhead protection areas, Zone 1 and Zone 2, depicted on Millington Wellhead Protection Overlay Map, the following rules shall apply:

(a) Properties located wholly within one (1) zone reflected on Millington Wellhead Protection Area Overlay Map shall be governed by the restrictions applicable to that particular zone.

(b) For properties having parts lying within more than one (1) zone as reflected on the wellhead protection area overlay map, individual areas of said property shall be governed by the restrictions applicable to the zone in which that part of the property is located.

(c) Where a time-traveler contour which delineates the boundary between two zones of influence passes through a building, the entire building shall be considered to be in that zone with the greatest restrictions as of the date of the enactment of this chapter.

(d) Where any capture zone extends beyond the corporate limits of the city, the portion of the capture zone within the adjacent municipality or county, per prior agreement between the subject municipality or county, the city shall review any proposed or existing land use utilizing this chapter. (As added by Ord. #1998-7, June 1998)

14-1905. Use regulations. (1) Permitted uses. (a) Within the wellhead protection districts, the permitted uses and regulations shall be those of the base zoning district.

(b) Permitted uses are allowed in the base zone, subject to the procedures and restrictions in the base zone, and subject to the following additional limitations and restrictions:

(i) Permitted uses or changes in use or the enlargement and alteration of permitted uses existing as of the effective date of this chapter and permitted outright in the base zone are permitted in the wellhead protection overlay district when no substances are used, produced by, or commonly associated with the activity which, in the event of introduction of a large quantity thereof into the groundwater, might cause, materially contribute to, or create a material risk of, any adverse effect upon the city's municipal water source.

(ii) In order to justify a change in permitted uses or the enlargement and alteration of permitted uses for a property, or portion of a property in a wellhead protection overlay district, a study shall be prepared under the supervision of a Tennessee-registered professional engineer trained and experienced in hydrogeology, to examine the impact of the use upon the city's municipal water source, under reasonably possible hydrologic or geologic conditions. Technological evidence shall be based on the modeling techniques defined in Wellhead Protection Area, Zone 1 and Zone 2 reports, approved by TDEC (November 1995). The report from the study shall be submitted to the city engineer.

(iii) To assure that the quality of groundwater shall be maintained, a groundwater monitoring program shall be established as part of the report prepared pursuant to subparagraph (ii) above. The program shall establish the number of wells to be installed, as well as the duration and frequency regarding the monitoring of the wells to be installed. All laboratory test results shall be submitted to the city engineer in order to assure the city that satisfactory water is maintained.

(c) Storage of fuel and lubricants for vehicle operations in conjunction with permitted uses shall be either in above ground storage tanks meeting EPA regulations for such facilities or underground storage tanks meeting the requirements of this chapter.

(d) Underground storage tanks located in wellhead protection area, Zone 2, shall meet all EPA regulations for underground storage tanks and be double wall with monitoring of the space between the tank walls. All piping shall be double wall. Ground water monitoring shall be as per the current EPA regulation for underground storage tanks and shall include one monitoring well in the excavation where the tank is located. All monitoring results for underground storage tanks in a wellhead protection area, Zone 2, (Ground Water, product, vapor space, etc.), shall be provided to the city engineer and the building inspector on a monthly basis.

(2) Prohibited uses. (a) Uses prohibited in the base zoning district are also prohibited in the wellhead protection overlay districts.

(b) the following uses are prohibited in the wellhead protection overlay district, even if they are allowed by right in the base zoning district:

(i) Manufacturing and production of hazardous materials, excluding production for on-site usage only. These materials include:

(ii) Any hazardous substance or hazardous waste as listed in the following federal regulations:

(A) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 Code of Federal Regulations (C.F.R.) 300, App. A and B);

(B) Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R. 302, Table 302.4);

(C) SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45); and

(D) Resources Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P and U Categories) (40 C.F.R. Section 261.33 (e) and (f)).

Note: The lists referenced in section (2)(b), are summarized on the Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Action (SARA) of 1986, published July 1987, U.S. EPA.

(E) Nuclear or radioactive materials or wastes.

(iii) Storage of regulated substances other than fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses.

(iv) Underground storage tanks shall not be allowed in Zone 1 areas.

(3) Special exemptions and limited exclusions to prohibited uses.

(a) Any and all requests to delete a use from the contaminant source list or to allow a use conditionally, other than those authorized below, shall be accompanied by a study as required in § 14-1905 (1)(b)(ii), using technology based on the modeling techniques defined in wellhead protection area, Zone 1 and Zone 2 Reports approved by TDEC, November 1995 edition. The request and all support documents shall be submitted to the city engineer.

(b) Exclusions from the provisions of this chapter are authorized for:

(i) Fire, police, emergency medical services, emergency management center facilities, and public utilities of this chapter.

(ii) Transportation of any regulated substances through wellhead protection area, Zone 1, provided the transporting vehicle is in continuous transit.

(iii) Storage of fuel and lubricants for vehicle operations, either in above ground storage tanks meeting EPA regulations for such facilities or underground storage tanks meeting the requirements of this chapter (See § 14-1905(1)(d)).

(iv) Office supplies that are used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use.

(v) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

(vi) Geotechnical borings.

(vii) Residential activities.

(viii) Public utility emergency generating facilities above ground, except that permanently installed fuel storage facilities shall meet EPA regulations for such facilities.

(c) Use of pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities shall be allowed provided that:

(i) The use is in strict conformity with the requirements of all applicable federal, state and local regulations, and as directed by the manufacturers of said substances.

(ii) The use of the substance is flagged in the records of the certified operator supervising the use.

(iii) The certified operator provides specific notification in writing to the applicators under his or her supervision that they are working at a site located in a wellhead protection area, Zone 1, for which particular care is required.

(iv) Records are kept of the date and amount of the substance used at each location and said records are made available for inspection by the city.

(v) The substance is not handled during use in a quantity exceeding seven hundred (700) gallons of formulation.

(d) The use of pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities on nonresidential landscape areas smaller than five thousand (5,000) square feet shall be exempted from the provisions of this chapter.

(e) The use of pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities. However, commercial, government, institutional services, or the railroad in all zones shall not be required to obtain individual licenses for every site at which they use the regulated substances, and these services shall be exempt from the provisions of this chapter with regard to the sites they serve provided the use is in accordance with (i), (ii) and (iii) above.

(f) Use, storage, handling and/or production of a regulated substance, associated with non-routine maintenance or repair of property or equipment, shall be limited to:

(i) The aggregate of regulated substances in use, storage, handling and/or production not to exceed fifty (50) gallons or four hundred (400) pounds at any time; and

(ii) The total use, storage, handling and/or production of regulated substances not to exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(g) A regulated substance associated with medical and research laboratory use shall be stored, handled, or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of all regulated substances shall not exceed two hundred fifty (250) gallons or two thousand (2,000) pounds.

(h) A regulated substance which is a cleaning agent shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(i) A regulated substance associated with construction for which a permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site, provided such regulated substances do not pose a real and present danger of contaminating surface and/or groundwater.

(j) Use of regulated substances in conjunction with municipal water supply, and treatment activities shall not be restricted in this chapter.

(k) Storage of regulated substances in conjunction with municipal water supply and treatment activities shall not be restricted by this chapter.

(l) Use of regulated substances in conjunction with public parks, playgrounds, golf courses and community centers shall be in accordance with the city's parks and recreation maintenance plan and shall not be restricted by this chapter.

(m) The city may at its option delete in whole or in part, any of the above described exemptions, but in no case shall the city include any additional exemptions, in the chapter adopted, pursuant to this section, unless otherwise approved by the board of mayor and aldermen.

(4) Nonconforming uses. (a) Non-conforming uses may continue in the wellhead protection overlay district in the form in which they exist at the time of the adoption of this chapter. Any change of title or right to possession shall not affect such continuation of an existing use. Whenever a non-conforming use has been abandoned for a period of six (6) months, such use shall not thereafter be re-established and any future use shall only be in compliance with the provisions of this chapter. In the event such non-conforming use shall pose a

direct hazard to the public water supply, the city may take any action permitted by law to abate the hazard.

(b) An addition or expansion of the non-conforming use does not increase the non-conforming of the use or activity.

(c) The expansion of the non-conforming use may not be for the purpose of changing that use to another non-conforming use unless the applicant can demonstrate that the new use poses a lesser threat to groundwater than the current use.

(d) Non-conforming uses presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per the specifications of § 14-1905 (1)(d), and not exceeding the capacity of existing tanks.

(e) All permitted uses, may be approved by the planning commission, special exemptions and limited exclusions may be approved by the board of zoning appeals, provided such uses meet the performance standards outlined for the wellhead protection overlay district. (As added by Ord. #1998-7, June 1998)

14-1906. Variance regulations. The provisions of this section shall apply exclusively to areas of wellhead protection overlay districts. In applying for a variance, the following conditions apply:

(1) Board of zoning appeals. (a) The board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this chapter. The board of zoning appeals shall not consider any application for a variance from the provisions of this chapter until the planning commission has had an opportunity to review the application and make a written recommendation to the board of zoning appeals.

(b) Variances may be issued for the use of property within the city's corporate limits, upon a determination from the board of zoning appeals that the proposed use will not cause, materially contribute to, or create a material risk of any adverse effect upon the city's municipal water source under reasonably possible hydrologic or geologic conditions. All technological evidence shall be based on the modeling techniques defined in wellhead protection area, Zone 1 and Zone 2 reports, approved by TDEC (November 1995).

(c) In reviewing a variance application, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter; and

(i) The practical difficulty and hardship on the property owner related to the use and enjoyment of the property caused by the regulation or restriction as enacted within the wellhead protection areas, Zone 1 and Zone 2.

(ii) An allegation that there is an error in any requirements, decision or determination made by the planning commission in the enforcement or administration of this chapter.

(d) The board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

(e) In reviewing a variance application, the board of zoning appeals shall consider the recommendation of the Shelby County Ground Water Quality Control Board.

(2) No variance may be requested nor granted as a means to circumvent the intentions of this chapter or as a remedy for a violation of this chapter. (As added by Ord. #1998-7, June 1998)

14-1907. Site plan submission and administrative requirements.

(1) Prior to the issuance of a building permit all site plan requirements as set forth in §14-1201 shall be submitted for review by the planning commission. If approved, any modifications required by the planning commission shall be made prior to the issuance of a building permit. The site plan shall be maintained in the permanent files of the City of Millington.

(2) In addition to the site plan requirements set forth in § 14-1201, site plans for developments within wellhead protection overlay zones shall also include the following:

(a) Location of all existing public water supply wells within 1,000 feet.

(b) Location of wellhead protection Zone 1 and Zone 2 area within five hundred (500) feet of property.

(c) Location of septic tanks (including size and capacity) and/or sewage lift stations, forcemains and grease traps.

(d) Provide the regulations used to control the uses permitted in the project and the uses specifically prohibited.

(e) Provide a complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use.

(f) Provide a description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges.

(g) Provide plans and documents containing information to show compliance with the performance standards of this chapter.

(h) Provide other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact to water quality, hydrogeologic information, monitoring and mitigation measures. (As added by Ord. #1998-7, June 1998)

14-1908. Enforcement and penalties. (1) Applicant's responsibility. It shall be the responsibility of any person owning real property and/or owning or operating a business within the corporate limits of the city to make a determination of the applicability of wellhead protection area overlay districts to the property and/or business under his or her ownership or operation, and such owner's failure to do so shall not excuse any violations of this chapter.

(2) Injunctive relief. If any person who engages in nonresidential activities stores, handles, uses, and/or produces toxic substances listed in 40 Code of Federal Regulations (CFR) Part 116 (designation of hazardous substances) of the Federal Water Pollution Control Act, within the zone of contribution, as indicated on Millington Wellhead Protection Overlay Map, without having obtained a certificate of conformance as provided for herein or continues to operate in violation of the provisions of this chapter, the city may file an action for injunctive relief in the circuit court.

(3) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguard established in connection with grants of variance or special exception, 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 from taking other lawful actions to prevent or remedy any violation. (As added by Ord. #1998-7, June 1998)

CHAPTER 20**STORMWATER MANAGEMENT AND POLLUTION CONTROL****SECTION**

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14-2001. Objectives. The objectives of "the ordinance adopting new title 14, chapter 20 of the Millington Municipal Code Stormwater Management and Pollution Control" are:

- (1) To protect public health, safety and general welfare.
- (2) To eliminate any non-allowable discharges to the city's MS4 that adversely impact water quality.
- (3) To provide for the sound use and development of all flood-prone areas in such a manner as to maximize beneficial use without increasing flood hazard potential or diminishing the quality of the natural stormwater resources.
- (4) To provide for sound fiscal management of the community and maintain a stable tax base by providing appropriate fees and other dedicated funding sources for the administration of the watershed management program.
- (5) To increase the awareness of the public, property owners and potential homebuyers regarding stormwater impacts (i.e. flooding, erosion).
- (6) To minimize prolonged business interruptions.
- (7) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, storm and sanitary sewer lines; and streets and bridges.
- (8) To promote a functional public and private stormwater management system that will not result in excessive maintenance costs.
- (9) To encourage the use of natural and aesthetically pleasing design that maximizes preservation of natural areas.
- (10) To promote the use of comprehensive watershed management plans.
- (11) To encourage preservation of floodplains, floodways and open spaces.
- (12) To encourage community stewardship of the City of Millington's water resources.
- (13) It is further the purpose of this chapter to enable the City of Millington to comply with the NPDES permit and applicable regulations (at 40 CFR 122.32-35) for stormwater discharges. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2002. Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. If any provisions of this chapter and

any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2003. Severability. If any provision of this chapter or its application to any person, entity, or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. Should any article, section, subsection, clause or provision of chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2004. Jurisdiction. The provisions of this chapter apply to the incorporated areas of the City of Millington. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2005. Enactment. This chapter shall take effect upon adoption, the public welfare requiring the it. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2006. Definitions. For the purpose of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

(1) "Accidental discharges" means a discharge prohibited by this chapter into the City of Millington's MS4 that occurs by chance and without planning or consideration prior to occurrence.

(2) "Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, structural and non-structural practices, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control runoff pollutants, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(3) "Clean Water Act" or "the Act" means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. 1251 et. seq.

(4) "Commercial" means property devoted in whole or part to commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example, but not be limited to the following businesses: amusement establishments, animal clinics or hospitals, automobile service stations, automobile dealerships for new or used vehicles, automobile car washes, automobile and vehicular repair shops, banking establishments, beauty and barber shops, bowling alleys, bus terminals, and repair shops, camera shops, dental offices or clinics, day care centers, department stores, drug stores, funeral homes, furniture stores, gift shops, grocery stores, hardware stores, hotels, jewelry stores, laboratories, laundries, and dry cleaning establishments, liquor stores, medical offices and clinics, motels, movie theaters, office buildings, paint stores or shops, parking lots, produce markets, professional offices, radio stations, repair establishments, retail stores, television stations and production facilities, theaters, truck or construction equipment service stations, truck or construction equipment dealerships for new or used vehicles, truck or construction equipment washing facilities and truck or construction equipment repair shops.

(5) "Construction activity" shall mean any clearing, grading, excavating, or equipment usage that will result in the disturbance of the land surface and is subject to stormwater permit requirements under the State of Tennessee general permit for stormwater discharges associated with construction activity. The term shall not include:

(a) Such minor construction activities as home gardens and individual home landscaping, home repair, home maintenance work and other related activities that result in minor soil erosion;

(b) Individual service and sewer connections for single- or two-family residences;

(c) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices and the construction of farm buildings;

(d) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

(e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs in an existing hard surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced and a street, curb, gutter or sidewalk permit has been obtained, and if such area is less than one (1) acre of disturbance.

(6) "Critical design storm" means the design storm specified in the City of Millington's Drainage Design Manual.

(7) "Development" means any activity subject to the Tennessee General Permit for Construction Activities.

(8) "Director" means the City of Millington Director of Public Works.

(9) "Erosion Prevention and Sediment Control (EPSC) plan" means a written plan, including drawings or other graphic representations, that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(10) "Hot spot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas and restaurants.

(11) "Illicit Discharge" is defined at 40 CFR § 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

(12) "Impervious" means not allowing the passage of water through the surface of the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering.

(13) "Industrial facility" is a business engaged in industrial production or service, that is, a business characterized by manufacturing or productive enterprise or a related service business. This term shall include but not be limited to the following: apparel and fabric finishers, automobile salvage and junk yards, blast furnace, blueprint and related shops, boiler works, cold storage plants, contractor's plants and storage facilities, foundries, furniture and household goods manufacturing, forge plants, greenhouses, manufacturing plants, metal fabrication shops, ore reduction facilities, planing mills, rock crushers, rolling mills, saw mills, smelting operations, stockyards, stone mills or quarries, textile production, utility transmission or storage facilities, truck or construction equipment salvage or junkyards, warehousing, and wholesaling facilities.

(14) "Institutional" means an established organization, especially of a public or charitable nature. This term shall include, by way of example, but not be limited to, the following: churches, community buildings, colleges, day care facilities, dormitories, drug or alcohol rehabilitation facilities, fire halls, fraternal organizations, golf courses and driving ranges, government buildings, hospitals, libraries, kindergartens, or preschools, nursing homes, mortuaries, schools, social agencies, synagogues, parks and playgrounds.

(15) "Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited

to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(16) "Manager" means the stormwater management administrator who is designated to supervise the operation of the stormwater management program and who is charged with certain duties and responsibilities by this chapter, or his/her duly authorized representative.

(17) "Multi-family residential" means an apartment building or other residential structure built for three (3) or more units or lots under common ownership, and condominiums of three or more units.

(18) "National Pollutant Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. chapter 26 Water Pollution Prevention and Control, Subchapter IV Permits and Licenses, section 1342.

(19) "Notice of Intent" or "NOI" means a written notice by the discharger to the Commissioner of the Tennessee Department of Environment and Conservation, or his designee, that a person wishes his discharge to be authorized under a general permit authorized by state law or regulation.

(20) "Person" means any individual, partnership, corporation, limited liability company, firm, company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

(21) "Regional facility" means a stormwater management facility designed to serve more than two properties and one hundred (100) or more acres of drainage area. A regional facility typically includes a stormwater pond.

(22) "Redevelopment" means the alteration of developed land that disturbs one (1) acre or more, or less than an acre if part of a larger common plan of development, and increases the site or building impervious footprint, or offers a new opportunity for stormwater controls that the permittee would like to identify. The term is not intended to include such activities as exterior remodeling, which would not be expected to cause adverse stormwater quality impacts.

(23) "Significant spills" Releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (at 40 CFR 110.10 and CFR 117.21) or section 102 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), (at CFR 302.4).

(24) "Stormwater" is defined at 40 CFR § 122.26(b)(13) and means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

(25) "Stormwater management facility" means a stormwater management control device, structure, or system of such physical components designed to treat, detain, store, convey, absorb, conserve, protect, or otherwise control stormwater.

(26) "Stormwater management" means the collection, conveyance, storage, treatment and disposal of stormwater in a manner to meet the objectives of this chapter and its terms, including, but not be limited to measures that control the increase volume and rate of stormwater runoff and water quality impacts caused or induced by man made changes to the land.

(27) "Stormwater Management Manual (SWMM)" means the guidance document adopted for use by the City of Millington to supplement the current "City of Millington Drainage Design Manual." The SWMM provides the technical standards and information necessary for proper design and construction of stormwater management facilities and the management of stormwater management infrastructure as defined in § 14-2025.

(28) "Stormwater Management Plan" or "SWMP" is a written compilation of the elements of the stormwater management program. It is considered a single document, even though it actually consists of separate stand-alone components. It includes the set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the City of Millington and as part of this chapter.

(29) "Stormwater pollution prevention plan" is a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP shall be prepared in accordance with the TDEC EPSC Handbook or local BMP Manual, whichever is more stringent and protective of waters of the state. The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations.

(30) "Stormwater sewer system" means the network of conveyances and storage facilities that collect, detain, absorb, treat, channel, discharge, or otherwise control the quantity and quality of stormwater.

(31) "Stream" means a surface water that is not a wet weather conveyance (Tennessee Code Annotated, § 69-3-10. (40)) Streams include linear watercourses, lakes, ponds, and wetlands.

(32) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in 40 CFR part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(33) "Variance" means the modification of the minimum stormwater management requirements contained in this chapter and the stormwater

management plan for specific circumstances where strict adherence of the requirement would result in unnecessary hardship and not fulfill the intent of this chapter.

(34) "Waters of the state" or "waters" is defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.

(35) "Water quality" means characteristics that are related to the physical, chemical, biological, and/or radiological integrity of stormwater.

(36) "Watershed management program" means a balanced program and plan of controlling the quantity and quality of water resources through comprehensive land and water resource management. Such management includes but is not limited to pollution control, land development controls, best management practices both structural and non-structural, preservation, habitat protection, and well head protection. This program incorporates the state's NPDES stormwater quality permit program

(37) "Watershed master plan" means the guidance vehicle for implementing the watershed management program.

(38) "Waterway buffer" or "buffer zone" or "water quality riparian buffer" is a strip of dense undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration and minimizing the risk of any potential sediments, nutrients or other pollutants from leaving the upland area and reaching surface waters. Buffer zones are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in receiving waters.

(39) "Wet weather conveyance" means, notwithstanding any other law or rule to the contrary, man-made or natural watercourses, including natural watercourses that have been modified by channelization:

- (a) That flow only in direct response to precipitation runoff in their immediate locality;
- (b) Whose channels are at all times above the groundwater table;
- (c) That are not suitable for drinking water supplies; and

In which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow there is not sufficient water to support fish, or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2007. Abbreviations. (1) "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act in its original form or as amended.

- (2) "CFR" - Code of Federal Regulations.
- (3) "FEMA" - Federal Emergency Management Agency.
- (4) "MS4" - Municipal Separate Storm Sewer System means the City of Millington separate stormwater system both natural and manmade as may be subject to the NPDES Stormwater Permit for The City of Millington.
- (5) "SWPPP" - Stormwater Pollution Prevention Plan.
- (6) "TCA" - Tennessee Code Annotated (latest version).
- (7) "TNCGP" - Tennessee Construction General Permit.
- (8) "TMSPP" - Tennessee Multi-Sector Permit (TMSPP) for Stormwater Discharges Associated with Industrial Activity (See Section 135).
- (9) "USACE" - means United States Army Corps of Engineers.
- (10) "U.S.C." - means United States Code. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2008. Illicit discharges; unauthorized discharge a public nuisance. Discharge of stormwater in any manner in violation of this chapter; or any violation of any condition of a permit issued pursuant to this chapter; or any violation of any condition of a stormwater discharge permit issued by the State of Tennessee Department of Environment and Conservation is hereby declared a public nuisance and shall be corrected or abated. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2009. Improper disposal and illicit discharges. (1) It shall be unlawful for any person to improperly dispose or discharge any contaminant into the City of Millington MS4. Contaminants include, but are not limited to the following:

- (a) Trash or debris;
- (b) Construction materials;
- (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil, or hydraulic fluids;
- (d) Antifreeze and other automotive products;
- (e) Metals in either particulate or dissolved form;
- (f) Flammable or explosive materials;
- (g) Radioactive material;
- (h) Batteries, including but not limited to, lead acid automobile batteries, alkaline batteries, lithium batteries, or mercury batteries;
- (i) Acids, alkalis, or bases;
- (j) Paints, stains, resins, lacquers, or varnishes;
- (k) Degreasers and/or solvents;

- (l) Drain cleaners;
- (m) Pesticides, herbicides, or fertilizers;
- (n) Steam cleaning wastes;
- (o) Soaps, detergents, or ammonia;
- (p) Swimming pool backwash including chlorinated swimming pool discharge;
- (q) Chlorine, bromine, and other disinfectants;
- (r) Heated water;
- (s) Animal waste from commercial animal or feeder lot operations;
- (t) Any industrial and sanitary wastewater, including leaking sewers or connections;
- (u) Recreational vehicle waste;
- (v) Animal carcasses;
- (w) Food wastes;
- (x) Medical wastes;
- (y) Collected lawn clippings, leaves, branches, bark, and other fibrous materials;
- (z) Collected silt, sediment, or gravel;
- (aa) Dyes, except as stated in subsection (2)
- (bb) Chemicals, not normally found in uncontaminated water;
- (cc) Any hazardous material or waste, not listed above;
- (dd) Washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates.
- (ee) Junk motor vehicles, as defined in subsection (3)
- (ff) Liquid from solid waste disposal containers.

Penalties for minor discharges that have no significant adverse impact on safety, health, the welfare of the environment, or the functionality of the city's stormwater collection system may be waived at the discretion of the manager.

(2) Dye testing. Dye testing is allowed but requires verbal notification to the manager a minimum of twenty-four (24) hours prior to the date of the test. The City of Millington and Shelby County governmental agencies are exempt from this requirement.

(3) Junk motor vehicles, definition thereof. "Junk motor vehicle" means any vehicle which shall include by way of example but not be limited to the following vehicle types:

Automobiles, construction equipment, motorcycles, and trucks, which meets all of the following requirements:

- (a) Is three (3) or more years old;
- (b) Is extensively damaged, such damage including, but not limited to any of the following: broken window or windshield or missing wheels, engine or transmission;
- (c) Is apparently inoperable;
- (d) Is without a valid current registration;

(e) Has a fair market value equivalent only to the value of the scrap in it. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2010. Exceptions, allowable discharges. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the stormwater manager determined that the type or quantity of discharge, whether singly or in combination with others, is causing significant contamination of the City of Millington's MS4.

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows ("Stream" as defined by Tennessee Code Annotated, § 69-3-103(40), a surface water that is not a wet weather conveyance);
- (4) Rising ground water;
- (5) Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow);
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;
- (8) Air conditioning condensate;
- (9) Irrigation water;
- (10) Springs;
- (11) Water from crawl space pumps;
- (12) Footing drains;
- (13) Lawn watering;
- (14) Individual residential car washing;
- (15) Flows from riparian habitats and wetlands;
- (16) Dechlorinated swimming pool discharges;
- (17) Street wash water;
- (18) Discharges or flows from firefighting activities;
- (19) Dye testing permitted by the State of Tennessee or the City of Millington;
- (20) Other types of discharges as determined by the stormwater manager. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2011. Illicit connection. Any connection, existing or future, identified by the manager, as that which could convey anything not composed entirely of stormwater directly to the City of Millington MS4 is considered an illicit connection and is prohibited with the following exceptions:

(1) Connections conveying allowable discharges as defined in § 14-2009.

(2) Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit).

Existing illicit connections must be stopped, at owner's expense. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2012. Monitoring and inspection. (1) Monitoring. The manager shall periodically monitor compliance of the stormwater NPDES permit holder.

(2) Detection of illicit connections and improper disposal. The manager shall take appropriate steps to detect and eliminate illicit connections to the City of Millington's MS4, including the adoption of programs to identify illicit discharges and their source or sources and provide for public education, public information and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

(3) Inspections. (a) The manager or his designee, bearing proper credentials and identification, may enter and inspect properties for inspections, investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this chapter, the stormwater management plan, and/or the NPDES stormwater permit. The manager or his designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.

(b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas wherein no objection is raised. The inspector shall immediately report the refusal and the circumstances to the manager. The manager may seek appropriate action.

(c) In the event the manager or his designee reasonably believes that discharges into the City of Millington's MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon request by the owner or representative.

At any time during the conduct of an inspection or at such other times as the manager or his designee may request information from an owner or representative, the owner or representative may identify areas of the facility or establishment, material or processes which contains or may contain a trade secret. If the manager or his designee has no clear and convincing reason to question such identification, the inspection report shall note that trade secret information has been omitted. To the extent practicable, the manager shall

protect all information that is designated as a trade secret by the owner or their representative. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2013.--14-2021. Reserved. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2022. Construction activity and erosion prevention and sediment control; construction activity. All construction activity, defined below, shall be in compliance with all applicable requirements under this article.

If one (1) or more acres of land are disturbed or planned to be disturbed as part of a larger plan by construction activity, an application shall be applied for under the "State of Tennessee's General Permit for stormwater discharges associated with construction activity." The State of Tennessee utilizes a "notice of intent" for dischargers to obtain coverage under the general permit program for discharges associated with construction activities. These documents are subject to change and amendment and therefore the user should obtain the latest versions directly from the State of Tennessee Department of Environment and Conservation, Division of Water Pollution Control. These may be obtained at the state's web page: www.tn.gov/environment.

If a Tennessee General NPDES permit is applied for, a copy of the notice of intent (NOI) shall be sent by certified mail, hand delivered or as directed by the manager to the manager of the stormwater management section at least thirty (30) days prior to the commencement of construction activities (i.e. the initial disturbance of soils associated with clearing, grading, excavating, or other construction activities). A copy of the NOI shall also be available for inspection by the manager or manager's representative on the construction site at all times during which construction activities are in progress. To seek coverage under the Tennessee Department of Environment and Conservation general permit, the NOI shall be submitted to the following address:

Tennessee Department of Environment and Conservation
 Division of Water Pollution Control
 Memphis Environmental Field Office
 ATTN: Stormwater NOI Processing
 8383 Wolf Lake Drive,
 Bartlett, TN 38133-4119

The copy of the NOI should be sent to the following address:

Stormwater Manager
 7930 Nelson Road

Millington, TN 38053 (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2023. Construction activity, regulated. (1) An erosion prevention and sediment control plan shall be developed for all land disturbance activities, regardless of size.

(2) It shall be unlawful for any person to permit any discharge of stormwater from a construction activity or land disturbance activity from land owned or controlled by them on a total land area of one (1) or more acres disturbed by construction activity or less than one (1) acre if part of a larger common plan of development of at least one (1) acre, without a general permit for stormwater discharges associated with construction activity from the Tennessee Department of Environment and Conservation, with a copy of the Notice of Intent (NOI) provided to the stormwater management section at the same address listed in § 14-2022.

(3) Exempted construction activity: The following activities may be undertaken without formal notice; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this chapter and other applicable law including responsibility for controlling sedimentation and runoff.

(a) Such minor construction activities as home gardens and individual home landscaping, home repairs, home maintenance work and other related activities that result in minor soil erosion;

(b) Individual service and sewer connections for single- or two-family residences;

(c) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pastureland, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices;

(d) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

(e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs in an existing hard surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced and a street, curb, gutter or sidewalk permit has been obtained;

(4) SWPPP/BMP requirements: The BMPs for controlling erosion and sedimentation from construction activities and land disturbing activities shall meet the design storm and special conditions requirements of the latest Tennessee Construction general permit (TN CAP). The minimum standards for these practices shall be consistent with the latest version of the Tennessee Erosion and Sediment Control Handbook as developed and amended from time to time by the Tennessee Department of Environment and Conservation.

The specific application of BMP practices is subject to approval of the manager. A copy of the Stormwater Pollution Prevention Plan (SWPPP)

required by applicable construction permits shall be provided to the manager as a part of the approval process. Approval of the construction project will be subject to a favorable review by the city engineer, the manager and the Tennessee Department of Environment and Conservation.

(5) **Construction site requirements:** Litter, construction debris and construction chemicals exposed to stormwater shall be picked up prior to storm events or before being carried off of the site by wind so that they do not become a pollutant source for stormwater discharges. Erosion prevention and sediment control materials (e.g., silt fence) should be removed or otherwise prevented from becoming a pollutant source for stormwater discharges. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2024. Compliance with permits. Construction shall only be allowed when permitted by applicable construction permits and when construction plans have been approved by the manager, when deemed appropriate by the building official and/or the manager. The manager or designee may stop construction on properties, or administer other enforcement actions as defined in this chapter that do not have adequate erosion prevention and sedimentation control measures. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2025. Reserved. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2026. Stormwater management infrastructure; infrastructure, defined. Stormwater management infrastructure consists of the entire physical system of stormwater management both publicly and privately owned. This system consists of both man made and natural components as well as rivers, streams, creeks, lakes, reservoirs, ponds, springs, wetlands, wells and including features defined by the State of Tennessee as "waters of the state." (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2027. Policy statements for development. Minimum standards and procedures for the design, construction, operation, and maintenance of the stormwater management infrastructure shall be set forth in the City of Millington Stormwater Management Manual as may be adopted and amended from time to time. Such adoption or amendment shall be by resolution of the board of mayor and aldermen. A copy of the stormwater management manual will be maintained on file in the offices of the manager. Until such time as this document is prepared and adopted, the City of Millington's "Drainage Design

Manual" as it exists at the final adoption of this chapter, located in the manager's office shall be used. The following general policy statements shall apply:

(1) All development within the corporate limits of Millington, Tennessee, shall be subject to the provisions of this ordinance.

(2) Proposed plans for construction shall be stamped by a professional engineer licensed in the State of Tennessee. This shall include all proposed improvements or modifications to the existing or new stormwater infrastructure, erosion prevention and sediment control practices, and other related improvements or modifications.

(3) A record plan, certified by a licensed professional engineer as appropriate, must be submitted in a format acceptable to the manager upon completion of the public or private stormwater management facility. The licensed professional shall certify that: the facilities have been constructed in substantial and essential conformance to the design plan.

(4) Each individual project shall be evaluated for consistency with the adopted watershed master plan, when available, for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if stormwater quantity and quality management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of a regional facility(s) will be considered in determining the extent to which quantity and/or quality controls will be necessary.

(5) In the absence of such a stormwater quantity and/or quality master plan, a system of uniform requirements shall be applied to each individual project site. In general, these uniform requirements may be based on the criterion that post-development stormwater peak runoff, and water quality must not differ significantly from pre-development conditions.

(6) Development will be permitted in the floodplain; however, the developer may be required by the manager to demonstrate "no adverse impact" on upstream or downstream facilities, uses, residences, or related structures. (For example, this may be shown by modification of the USACOE/FEMA model by applying full upstream development criteria and new cross-sections reflecting the development and depiction of the elevations of all structures, facilities, etc., within the impacted upstream or downstream floodplain.)

(7) Under no circumstances shall a site be graded or drained in such a way as to increase surface runoff to sinkholes, "dry wells" or "drainage wells."

(8) The City of Millington encourages regional watershed management practices and facilities. These practices will be encouraged in order to replace or reduce the implementation of on-site stormwater management facilities.

(9) Development of properties containing existing on-site stormwater management facilities may be permitted, at the discretion of the city engineer or stormwater manager, provided the property and downstream public and

private properties, infrastructure or "waters of the state" are adequately protected from adverse stormwater impacts.

(10) Erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities must be controlled.

(11) Soil bioengineering, "green" and other "soft" slope and stream bank stabilization methods are encouraged over rip-rap, concrete and other hard armoring techniques. The use of greenway rights-of-way for appropriate properties is encouraged.

(12) Buffer zone requirements. (a) Construction sites - state minimum requirements: A minimum thirty foot (30') natural riparian buffer zone adjacent to all streams at any construction site requiring a State Construction general permit (CAP) shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state, located within or immediately adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations (see rules to implement a certification program for qualified hydrologic professionals, TN Rules chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction or redevelopment sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The minimum thirty feet (30') criterion for the width of the buffer zone may be established by variance on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

(b) Buffer zone additional requirements for discharges into impaired or exceptional Tennessee waters - state minimum requirements: A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or exceptional Tennessee waters shall be preserved, to the maximum extent practicable, during construction activities at any site. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') feet at any measured location.

(13) A permanent waterway buffer shall be applied to all major waterways serving more than one hundred (100) acres of tributary area or as specified in the stormwater management manual. The minimum buffer width shall be two hundred feet (200') feet extending from the top of bank of streams and/or one hundred feet (100') from the edge of the normal pool for impoundments, ponds, lakes, and wetlands. Reductions, exemptions or modifications to this requirement may be approved subject to proper technical

justification and approval by the city engineer. No new construction of any building or structure shall be permitted in the buffer except as may be permitted by the city engineer and supported with adequate technical and environmental analysis and appropriate mitigation measures. For example, mitigation strategies may include:

- (a) Publicly dedicated greenways;
- (b) Restoration of impacted waterways with bioengineering or "green" approaches;
- (c) New and innovative technologies are applied to address water quantity or quality;
- (d) Modification to density, trees or other development requirements acceptable to the city engineer and planning departments. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2028. Infrastructure maintenance. It shall be the responsibility of the property owner of record for the maintenance of stormwater infrastructure. Maintenance of stormwater infrastructure shall consist at minimum but not be limited to the following items: outlet cleaning, mowing, herbicide spraying, litter control, removal of sediment from basin and outlet control structures, and repair of drainage structures. All such activities will be conducted in an environmentally sound manner and consistent with applicable codes, rules, and standards. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2029. Maintenance responsibility-privately owned infrastructure. (1) Any stormwater management facility, including buffers, that is privately owned shall receive general routine maintenance (i.e. controlling vegetative growth, removing sediment and debris) provided for by the owner(s).

(2) The owner(s) shall maintain a perpetual right of access for inspection and emergency access by the City of Millington. The city has the right, but not the duty, to enter premises for inspection and emergency repairs.

(3) Any stormwater management facility that services commercial and industrial development shall be maintained.

(4) Maintenance requirements may also be prescribed by a site-specific agreement between the owner or operator and the City of Millington. These agreements shall be based on an approved site design, a stormwater pollution prevention plan, an inspection program, a long-term maintenance plan, an emergency repair plan, easements, and proof or surety of financial responsibility.

(5) If privately owned infrastructure is not maintained, the manager may assess a fine on the private owner(s) as detailed in the enforcement and

abatement portion of this chapter. Such a fine will be used for cost recovery, to abate damages, and to restore impacted areas. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2030. Maintenance responsibility--publicly owned infrastructure. (1) All regional stormwater management control facilities proposed by the owners, if approved by the City of Millington Board of Mayor and Aldermen and accepted by the manager for dedication as a public regional facility shall be publicly owned and/or maintained.

(2) All other stormwater management control facilities shall be publicly owned and/or maintained only if accepted for maintenance by the City of Millington. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2031.--14-2035. Reserved. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2036. Stormwater discharges from regulated industrial sources; purpose. It is the purpose of this chapter to control stormwater runoff from industrial sources in order to minimize, to the maximum extent practicable, pollutants discharged from industrial sources into the City of Millington's MS4. This reduction may be achieved by a combination of management practices, control techniques, system design, engineering methods and plan review. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2037. Industry, defined. An industrial facility is one defined as industry by EPA rule, or subject to the Tennessee Multi-Sector Permit (TMSP) for stormwater discharges associated with industrial activity. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2038. Right of inspection, defined. Whenever necessary to make any inspection to enforce any provision of the stormwater management ordinance, or whenever an official of the City of Millington has reasonable cause to believe that there exists on a site any condition or code violation, the official may enter the site to inspect the same or perform any related duties imposed by this ordinance. If the site is occupied, the official will first make a reasonable effort to locate the person in charge or having control, present identification and request entry. If entry is denied to the site, the official shall have recourse to

every remedy provided by the law to secure entry. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2039. Availability of information on discharger to public; use of information accepted as confidential. All information and data on a discharger obtained from reports, questionnaires, permits, monitoring programs, and from inspections shall be available to the public without restriction unless the discharger specifically requests confidential treatment and is able to demonstrate to the satisfaction of the approving authority that the release of such information would divulge information regarding processes or methods which would be detrimental to the discharger's competitive position. Information accepted by the approving authority as confidential shall not be transmitted to the general public by the approving authority unless written permission has been obtained from the discharger or under court order. Any report, questionnaire or other item required to be submitted by the discharger that contains such confidential data will be submitted in duplicate with one (1) version containing the information and the second copy showing the information deleted that has been claimed as confidential. To the extent practicable, the manager shall protect all information that is designated as confidential by the owner or their representative. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2040. Information required. The State of Tennessee utilizes a "notice of intent" for dischargers to obtain coverage under the general permit program for discharges associated with industrial activities. These documents are subject to change and amendment and therefore the user should obtain the latest versions directly from the State of Tennessee Department of Environment and Conservation, Division of Water Pollution Control. These may be obtained at the state's web page: www.tn.gov/environment. All industries subject to the TMSPP and discharging into the City of Millington storm sewer system shall maintain a copy of the Stormwater Pollution Prevention Plan (SWPPP) on the industrial site, available for inspection and copying at reasonable times by the manager. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2041. Stormwater Pollution Prevention Plan (SWPPP) requirements. The Stormwater Pollution Prevention Plan (SWPPP) must follow, at a minimum, the outline of the plan listed in the Tennessee multi-sector permit language or a facility's NPDES stormwater permit language, whichever is applicable. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2042. Sampling at industrial facilities. (1) Samples of stormwater collected for compliance monitoring shall be representative of the discharge. Sampling locations will be those defined in the Tennessee multi-sector permit or an NPDES permit. Sampling and analyses shall be in accordance with 40 CFR part 122.21 and 40 CFR part 136 and/or applicable permit language.

(2) Samples that may be taken by the manager and/or his designated representatives for the purpose of determining compliance with the requirements of this chapter or rules adopted hereunder may be split with the discharger if requested before the time of sampling.

(3) The manager may require a stormwater discharger to install and maintain at the discharger's expense a suitable manhole or sampling facility at the discharger's facility or suitable monitoring access to allow observation, sampling, and measurement of all stormwater runoff being discharged into the city storm sewer system. Sampling manhole or access shall be constructed in accordance with plans approved by the manager and shall be designed so that flow measurement and sampling equipment can be installed. Access to the manhole or monitoring access shall be available to the manager and/or his designated representatives at all times. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2043. Reporting. (1) Any facility required to sample under either the TMSP or an NPDES stormwater permit shall provide a copy of the monitoring report to the manager.

(2) The manager may require reporting by dischargers of stormwater runoff to the stormwater system, where an NPDES stormwater permit is not required, to provide information. This information may include any data necessary to characterize the stormwater discharge. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2044. Accidental discharges. In the event of a "significant spill" as defined in "definitions" or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the manager and the local field office of the Tennessee Department of Environment and Conservation as required by state and federal law following the accidental discharge.

If an emergency response by governmental agencies is needed, the owner or operator should also call the Millington Fire Department, and when Millington Fire Department operations protocol dictates the Memphis and Shelby County Emergency Management Agency, immediately to report the discharge. A written report must be provided to the manager within five (5) days of the time the discharger becomes aware of the circumstances, unless this

requirement is waived by the manager for good cause shown on a case-by-case basis, containing the following particulars:

(1) A description of the discharge, including an estimate of volume.
 (2) The exact dates, times and duration of the discharge.
 (3) Steps being taken to eliminate and prevent recurrence of the discharge, including any planned modification to contingency, SWPPP or maintenance plans.

(4) A site drawing should be rendered that shows the location of the spill on the impacted property, the direction of flow of the spill in regards to the topographical grade of the property, the impacted watercourse(s), and the property or properties adjacent to the spill site.

(5) The discharger shall take all reasonable steps to minimize any adverse impact to the City of Millington's MS4, including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. The interruption of business operations of the discharger shall not be a defense in an enforcement action necessary to maintain water quality and minimize any adverse impact that the discharge may cause.

(6) It shall be unlawful for any entity, whether an individual, residential, commercial or industrial entity to fail to comply with the provisions of this section. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2045. Fraud and false statements. Any reports required by this chapter or rules adopted hereunder and any other documents required by the city to be submitted or maintained by the discharger shall be signed by a responsible corporate official and certified as accurate to the best of their personal knowledge after appropriate investigation. It shall be subject to the enforcement provisions of this chapter and any other applicable local and state laws and regulations pertaining to fraud and false statements. Additionally, the discharger shall be subject to the provisions of 18 U.S. Code § 309 of the Clean Water Act, as amended, governing false statements and responsible corporate officials. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2046. Reserved. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2047. Enforcement and abatement; administrative remedies. The enforcement remedies enumerated herein shall be applicable to all articles of this chapter. The City of Millington's "Stormwater Enforcement Response Plan" provides guidance related to enforcement of both City and State

ordinances with respect to stormwater in the City of Millington. The plan document addresses the following items.

(1) Notice of alleged violation. Prior to the issuance of a Notice of Violation (NOV), the manager may order any person who causes or contributes, or may be a cause or contributor, to a violation of a of stormwater permit or order issued hereunder to show cause why a proposed enforcement action not be taken. A Notice of Alleged Violation (NAV) shall be served on the person, specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the person show cause why this proposed enforcement should not be taken. The NAV and notice of the meeting shall be served personally or by registered or certified mail, with return receipt, and postmarked at least ten (10) business days prior to the hearing. Such notice may be served on any person, principal executive, general partner, corporate officer, or other person with apparent authority to receive such notice.

(2) Notification of violation. Whenever the manager finds any permittee or person discharging stormwater, or other pollutants into the City of Millington's MS4 or otherwise, has violated or is violating this chapter, conditions of a stormwater permit, or order issued hereunder, the manager or his agent may serve upon said user written NOV. This notice shall be by personal service, or registered or certified mail with return receipt. Within ten (10) days of the receipt date of this notice, the recipient of this NOV shall provide the stormwater manager with a written explanation of the violation. The response shall also include a plan for satisfactory correction and prevention thereof, to include specified required actions and milestones for their completion. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation. If the City of Millington deems it necessary a complaint may be filed with the Commissioner of the Tennessee Department of Environment and Conservation pursuant to Tennessee Code Annotated (T.C.A) § 69-3-118.

(3) Consent order. The stormwater manager is hereby empowered to enter into consent agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with the person or persons responsible for the non-compliance. Such agreements will include specific action to be taken by the permittee or person discharging stormwater to correct the non-compliance within a time period specified by the agreements. Consent orders shall have the same force and effect as compliance orders issued pursuant to paragraph (5) below.

(4) Show cause hearing. The stormwater manager is hereby empowered to order a person who violates the stormwater ordinance or a permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. A notice for this hearing must be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for the proposed enforcement action and a request for the violator to show cause why this proposed enforcement action should not be taken. The

meeting notice must be either served personally or delivered by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(5) Compliance order. When the stormwater manager finds that any person has violated or continues to violate this chapter or any order issued hereunder, he may issue an order to the violator directing that, following a specified time period, adequate structures and/or devices be installed or procedures implemented and properly operated or followed. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the construction of appropriate structures, installation of devices, self-monitoring and related management practices.

(6) Cease and desist orders. When the stormwater manager finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder and such action or inaction has or may have the potential for immediate and significant adverse impact on the MS4 or the stormwater discharges to it, the manager may issue an order to cease and desist all such violations immediately and direct those persons in non-compliance to:

(a) Comply forthwith; or

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(c) Anyone receiving a cease and desist order that includes instruction to halt operations shall receive an expedited review and appeal of such order within two (2) business days.

(7) Suspension, revocation or modification of permit. The city may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the city. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation(s) described therein, provided such permit may be reinstated upon such conditions as the City of Millington may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation(s). (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2048. Civil penalty. Any person who is found to have performed any of the following acts or omissions to act shall be subject to a civil penalty of up to five thousand dollars (\$5,000.00) per day for each offense.

(1) Failure to obtain any required permit;

(2) Violation of the terms and conditions of the permit;

(3) Violation of a final determination or order of the manager; or

(4) Violation of any provision of this chapter.

The civil penalty imposed by this section is intended to be solely for remedial purposes and not for punishment. It shall be imposed for each day that a violation of this chapter continues. All civil penalties paid pursuant to this chapter shall be deposited into a special fund, to be used solely to pay the costs of correction or alleviation of conditions created as a result of violation of this chapter, or to pay the costs of ensuring compliance with the requirements of this chapter. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2049. Unlawful acts, misdemeanor. It shall be unlawful for any person to knowingly:

- (1) Violate a provision of this chapter;
- (2) Violate the provisions of any permit issued pursuant to this chapter;
- (3) Fail or refuse to comply with any lawful notice to abate issued by the manager, which has not been timely appealed to the manager within the time specified by such notice; or
- (4) Violate any lawful order of the manager within the time allowed by such order.

Such person shall be guilty of a misdemeanor; and each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of the provisions of this chapter shall be fined up to five hundred dollars (\$500.00) per day for each offense during which the act or omission continues or occurs. Upon learning of such act or omission, the manager or designee may issue a city ordinance citation charging the person, firm, or entity with violating one (1) or more provisions of this chapter (section) or permit issued there under, criminal violation of this chapter (section) may also be the basis for injunctive relief, with such actions being brought and enforced through the local general sessions environmental court. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 ***Ch16_6-29-20***, and Ord. #2020-17, Oct. 2020 ***Ch17_01-09-23***)

14-2050. Processing a violation. (1) The manager may issue an assessment against any person or permittee responsible for the violation;

- (2) Any person against whom an assessment or order has been issued may secure a review of such assessment or order by filing with the manager a written petition setting forth the specific legal and technical grounds and reasons for his objections and asking for a hearing in the matter involved before the manager and if a petition for review of the assessment or order is not filed within thirty (30) days after the date the assessment or order is served, the violator shall be deemed to have consented to the assessment and it shall become final;

(3) Whenever any assessment has become final because of a person's failure to appeal the manager's assessment, the manager may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment;

(4) The manager may consider the following factors when reviewing a petition:

(a) Whether the civil penalty imposed will be an appropriate economic deterrent to the illegal activity by the violator or others in the regulated community;

(b) Damages to the City of Millington, including compensation for the damage or destruction of the City of Millington's MS4, and also including any penalties, costs (direct or indirect) and attorneys' fees incurred by the city as a result of the illegal activity, as well as the expenses involved in enforcing this chapter and the costs involved in rectifying any damages;

(c) Cause of the discharge or violation;

(d) The severity of the discharge and its effect on the City of Millington's MS4;

(e) Effectiveness of action taken by the violator to cease the violation;

(f) The technical and economic reasonableness of reducing or eliminating the discharge;

(g) The economic benefit gained by the violator.

(5) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of the Tennessee Department of Environment and Conservation for violations of Tennessee Code Annotated, § 68-221-1106; however, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 68-221-1106 shall not exceed five thousand dollars (\$5,000.00) per day during which the act or omission continues or occurs.

(6) Any appeal of this final determination shall be made to a court of competent jurisdiction, and such appeal must be filed within fifteen (15) days of the decision by the manager. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 **Ch16_6-29-20**, and Ord. #2020-17, Oct. 2020 **Ch17_01-09-23**)

14-2051. Appeal judicial proceedings and relief. The manager may initiate proceedings in any court of competent jurisdiction against any person who has or is about to:

(1) Violate the provisions of this chapter.

(2) Violate the provisions of any permit issued pursuant to this chapter.

(3) Fail or refuse to comply with any lawful order issued by the manager that has not been timely appealed within the time allowed by this chapter.

(4) Violates any lawful order of the manager within the time allowed by such order.

Any person who shall commit any act declared unlawful under this chapter shall be guilty of a misdemeanor, and each day of such violation or failure shall be deemed a separate offense and punishable accordingly. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2052. Damages, disposition of funds. All damages collected under the provisions of this chapter and civil penalties collected under the provisions of § 14-2049, following the adjustment for the expenses incurred in making such collections shall be deposited to the stormwater fund and there be appropriated for the stormwater management program. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2053. Records retention. All dischargers subject to this chapter shall maintain and preserve for no fewer than five (5) years, all records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of the discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2054. Facilities maintenance agreement. 14-2053. T h e following "facilities maintenance agreement" is provided as a minimum guideline for agreements between City of Millington and owners/operators of stormwater infrastructure not owned by the city.

STORMWATER FACILITIES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 20___, by and between _____ (Insert Full Name of Owner) hereinafter "Landowner," and City of Millington, Tennessee hereinafter "City".

WITNESSETH, that the Landowner is the owner of certain real property described as _____ as recorded by deed in the land records of Shelby County, Tennessee, Deed Book _____ Page _____, hereinafter called the "Property."

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision Plan known as _____, hereinafter called the "Plan", which is expressly made a part hereof, as approved, and subsequent amendments thereto, by the City, provides for the control and management of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, including any homeowner's association, agree that the health, safety, and welfare of the residents of Millington, Tennessee, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management/BMP facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowner's association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. On-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Landowner, its successors and assigns, including any homeowner's association, shall adequately maintain the stormwater management facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Annual Inspection Report form (attached) is to be used to establish what good working condition is acceptable to the City of Millington.
3. The Landowner, its successors and assigns, shall inspect the stormwater management facilities and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the

entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.

4. The Landowner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the City deems necessary. The purpose of inspection is to follow-up on reported deficiencies, conduct routine inspections, and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.
5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the City, the City may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.
6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.
7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.
8. This Agreement imposes no liability of any kind whatsoever on the City and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management facilities fail to operate properly.
9. This Agreement shall be recorded among the land records of the City of Millington, Tennessee, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner's association. A deed

assignment from a property owner under this Agreement shall confer the terms of this Agreement onto the purchaser and releases the seller.

WITNESS the following signatures and seals:

Company/Corporation/Partnership Name (Seal)

By: _____

(Type Name of Signatory)

(Type Title of Signatory)

The foregoing Agreement was acknowledged before me this ____ day of _____, 20__, by _____, NOTARY PUBLIC.

My Commission Expires: _____

CITY OF MILLINGTON

By: _____

(Type Name) Mayor (as added by Ord. #2004-5, May 2004, and replaced by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

14-2055. Standard operating procedures for city forces. City employees, in the performance of their regular duties, shall adhere to the standard operating procedures for stormwater management as outlined in the City of Millington's stormwater management manual as may be adopted and amended from time to time. Adoption or amendment of polices shall be by resolution of the board of mayor and aldermen and adoption or amendment of operating procedures shall be approved by the city manager. Until such time as this guide document is prepared, the following general policy statements shall apply:

- (1) Perform regularly scheduled maintenance on all equipment and vehicles.
- (2) Maintain maintenance records for all equipment and vehicles.
- (3) Maintain environmental training records for all employees.

(4) Conduct daily inspections in storage yards and maintenance shops to confirm proper storage, handling, and disposal of materials.

(5) All stored materials shall have the relevant material safety data sheet stored nearby in a readily accessible location.

(6) Store materials away from waterways and storm drain inlets.

(7) Perform annual inspections and maintenance as needed for stormwater inlets and conveyance systems. (as added by Ord. #2020-11, June 2020 *Ch16_6-29-20*, and replaced by Ord. #2020-17, Oct. 2020 *Ch17_01-09-23*)

CHAPTER 21

CEMETERIES AND MAUSOLEUMS

SECTION

14-2101. Cemeteries and mausoleums subject to regulation.

14-2101. Cemeteries and mausoleums subject to regulation.

Cemeteries and mausoleums established after the effective date of the ordinance comprising this chapter and shall be subject to the following regulations:

(1) Whenever in this chapter the word "cemetery" is used, it shall also mean and include a mausoleum and shall include, as applicable, any expansion of an existing cemetery.

(2) Any cemetery proposed to be established or enlarged, either on property owned at the time of such proposed enlargement or on an additional site, after the effective date of the ordinance comprising this chapter shall be subject to site plan review and approval by the Millington Planning Commission, in accordance with § 14-1201 of the Millington Municipal Code.

(3) Prior to the establishment or enlargement of any cemetery within the city, the owner or developer of the cemetery shall submit to the planning commission a proposed site plan, and a drawing or photographic depiction of any buildings or equipment storage facilities proposed to be built in the cemetery. The site plan shall contain the information and certifications required by § 14-1201(2)(d) of the Millington Municipal Code, to the extent applicable to cemeteries, and such other information as the planning commission may request, including but not limited to number and layout of burial plots, a detailed plan for the landscaping and/or fencing required by this chapter and a drawing showing the location and proposed face of any proposed signs to be located on the property. An approved site plan shall be valid for a period of twenty-four (24) months after the date of approval. If construction or enlargement of the cemetery has not begun by such date, a new site plan application must be submitted to and approved by the planning commission.

(4) Upon submission of a proposed site plan to the planning commission, any person who proposes to develop or enlarge a cemetery shall deliver to the planning commission a pattern book showing the types and sizes of monuments and grave markers that it proposes to allow within the cemetery. Upon approval of such pattern book or parts thereof by the planning commission, any monuments or markers of the size shown therein shall be deemed approved for installation in the cemetery. Any proposed monuments or markers taller than the approved size must be submitted to the planning commission for approval prior to installation.

(5) The certification by the owner and the trustee of any mortgage on the property shall serve as the commitment by the owner, which shall be binding on any transferee of the owner who proposes to use the property for a

cemetery, that the site will be developed as shown on the approved site plan. The certified site plan, when approved by the planning commission, shall be recorded by the city in the office of the Shelby County Register and shall regulate the development of the subject property. If, at any time during development or construction of the cemetery, or thereafter, the city's building inspector determines there are variations from the approved site plan, he shall promptly notify the owner in writing of such variations and shall direct that the variations be corrected within a specified period. If following proper notice the owner has not complied with the provisions of the approved site plan, the building inspector shall have the authority to cite the owner to municipal court for violation of the zoning ordinance.

(6) The minimum required area for any cemetery shall be ten (10) acres, and the maximum allowed area for any cemetery shall be two hundred (200) acres, or such larger area as shall be permitted by state law, except that the ten acre minimum requirement shall not apply to enlargement of a family burial ground existing as of the effective date of this chapter or to a cemetery that:

(a) Is owned and operated by a church which is exempt from federal income taxes under section 501(c)(3) or any successor section of the Internal Revenue Code; and

(b) Is located on real property adjacent to the real property on which the principal church facilities are located.

As to each of these, the minimum required cemetery area shall be determined by the planning commission on a case-by-case basis, but shall not be less than one (1) acre.

(7) The minimum site width for any property used as a cemetery, measured at the required setback line, shall be not less than two hundred feet (200').

(8) All graves and burial lots shall be set back at least thirty feet (30') from each lot line and street right of way.

(9) There shall be perimeter landscaping and/or fencing along the lot lines of the cemetery site and appropriate landscaping within the cemetery site, all of which landscaping and/or fencing shall be subject to approval by the planning commission.

(10) All structures of six feet (6') in height or over, including but not limited to mausoleums, monuments and buildings, shall be set back at least one hundred feet (100') from each lot line and street right-of-way.

(11) There shall be enough paved roadway within each cemetery to accommodate parking for vehicles of persons using the cemetery, but only the roadways necessary for ingress shall be located in any portion of the setback areas.

(12) All equipment, including but not limited to vehicles used in connection with the cemetery, shall be kept in a building or otherwise adequately screened from public view when not in actual use.

(13) All buildings and improvements constructed within a cemetery shall be generally in conformance with the surrounding neighborhood.

(14) All cemeteries within the city shall be kept in good condition and repair. No cemetery owner or operator shall permit the cemetery property to be or become a nuisance, but shall keep the property well-maintained. "Well-maintained" shall include, but is not limited to keeping the grass cut and leaves raked on a regular basis, trees and shrubs trimmed, and roadways and fencing in good condition.

(15) All cemeteries within the City of Millington shall comply with applicable state and county laws and regulations.

(16) Failure of any cemetery owner or operator to comply with the provisions of this chapter shall constitute a violation, which shall give the city's building inspector authority to cite the owner and/or operator to municipal court. The violator shall be subject to a fine of up to fifty dollars (\$50.00) for the violation of each provision of this chapter for which it is convicted, and each day that a violation continues shall be a separate violation. (as added by Ord. #2008-3, July 2008)

CHAPTER 22

MIXED USE PLANNED DEVELOPMENTS

SECTION

- 14-2201. Purpose.
- 14-2202. General provisions.
- 14-2203. Scope of planning commission review.
- 14-2204. Development standards.
- 14-2205. Review and approval.
- 14-2206. Amendments to an approved outline plan.
- 14-2207. Final plat procedures.
- 14-2208. Final plat requirements.
- 14-2209. Recording of final plat/building permit.

14-2201. Purpose. The purpose of the mixed use planned development district is to provide the means and guidelines by which tracts of land may be developed using a unified approach rather than traditional lot-by-lot treatment, and to allow for the creation of planned developments that may contain a variety of residential uses, together with certain approved commercial, office and/or light industrial uses. For purposes of this chapter, a mixed use planned development (called hereafter an "MUPD") shall be a tract of land at least four (4) acres in area, under single/joint ownership and/or unified control, planned and developed as an integrated unit, in a single development operation or an approved series of phases, according to an approved general site plan. The uses permitted in an MUPD must be of a type and so located as not to create or maintain any undue detrimental effect upon surrounding properties. The MUPD shall not endanger the public health, welfare or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is located. (as added by Ord. #2008-7, Sept. 2008)

14-2202. General provisions. (1) District created, plan approval required. An MUPD district shall be created only upon application to the Millington Planning Commission, recommendation of the planning commission to the board of mayor and aldermen, and adoption of an ordinance rezoning the tract for which the application was submitted to MUPD by said board, in accordance with chapter 15, amendments, of the Millington Zoning Ordinance. When the board of mayor and aldermen has adopted an ordinance amending the Millington Zoning Ordinance to create an MUPD district, the approved outline plan of the area for which the MUPD zoning was granted shall be recorded in the office of the Shelby County Register and shall govern the development of the land for which the MUPD zoning was granted.

(2) Minimum district area. The minimum area for an MUPD district shall be four (4) acres, except that the minimum area for an MUPD district for infill development shall be one (1) acre.

(3) Proposed uses. A list of proposed uses within each MUPD must be submitted with the application for establishment of the MUPD district and the outline plan. The planning commission and board of mayor and aldermen shall have the right to prohibit certain uses within an MUPD that would otherwise be allowed within the underlying zoning district for some or all of the area.

(4) Application required. Each person or entity who desires to secure rezoning of a tract of land to MUPD shall submit an application for rezoning, on the form required by the city, together with the following.

(a) An outline plan drawn to a scale of not less than one inch equals one hundred feet (1"=100') or larger scale suitable to the size of development if approved by the department of planning and economic development. Larger scales are allowed for plans included within a booklet format application. The outline plan shall be drawn on a sheet twenty by twenty-four inches (20"x24").

(b) Text presenting the following information:

(i) Proposed land uses and unit densities;

(ii) Proposed primary circulation pattern;

(iii) Proposed parks, playgrounds and green space, with total acreage listed for each. Paved portions of parks, playgrounds and green space shall be included in the total required acreage only if the paved area is necessary for the function of, access to and/or parking needed for the area. Paved areas within the property designated for parks, playgrounds or green space shall not be counted toward the number of parking spaces required under the zoning ordinance.

(iv) Explanation of the units or phases to be constructed, together with a proposed timetable;

(v) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;

(vi) Relation to the existing and projected land uses in the surrounding area.

(5) Outline plan requirements. The outline plan shall include, at a minimum, the following information:

(a) General boundary description, including area, bearings and dimensions of all property lines;

(b) General locations of existing roads with both the existing and proposed right-of-way from centerline, and the location of proposed points of ingress to and egress from the site;

- (c) Existing topography, with a contour interval not greater than two feet (2') unless specifically waived in writing by the city engineer;
- (d) The location of all major existing tree masses;
- (e) Preliminary grading and drainage information, including preliminary proposals for on-site detention of storm water, if necessary, in accordance with city storm water drainage policy;
- (f) Vicinity map, north arrow and scale (graphically and numerically);
- (g) Tie in dimension from property corner to nearest to existing street;
- (h) Locations and types of existing easements, including instrument;
- (i) The title block, including the unduplicated name of planned development, outline plan, engineer's and developer's names, total acreage, date of draft/revision;
- (j) Individual parcel numbers and letters, the amount of acreage on each (and designated use, if applicable);
- (k) Proposed landscape plates (shown on the plan graphically and in cross section);
- (l) Names of abutting property owners or subdivisions; and
- (m) Outline plan conditions, including but not limited to land uses, densities, bulk requirements, access, circulation and landscaping.

(6) Supporting data. The city's department of planning and economic development, or the planning commission, or the board of mayor and aldermen may require the applicant to provide additional information in support of the MUPD application, if any of them deems such data essential to the consideration of the proposed rezoning. Such information may include, but is not limited to, studies of traffic generation, drainage, sewers and public utilities, marketing and economic feasibility analyses or other issues which may be pertinent to the site and surrounding area.

(7) Conditions for consideration/fee. (a) The city shall have no obligation to consider any application for MUPD zoning until all items listed in § 14-2202, together with the fee as established by the board of mayor and aldermen, have been properly submitted.

(b) There shall be a non-refundable application fee due and payable at the time of submission of an application of an application for mixed use planned development zoning, as follows:

- (i) Five hundred dollars (\$500.00) for a mixed used planned development up to four (4) acres; and
 - (ii) Fifty dollars (\$50.00) for each additional acre, up to a maximum of two thousand five hundred dollars (\$2,500.00); and
- Two hundred fifty dollars (\$250.00) for application for amendment of an approved outline plan. (as added by

Ord. #2008-7, Sept. 2008, and amended by Ord. #2008-11, Dec. 2008)

14-2203. Scope of planning commission review. The planning commission shall consider, but its review is not limited to, the following factors in its review of the proposed development plan:

(1) The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views and historic sites;

(2) The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community;

(a) The provision of sufficient open space to meet the needs of the proposed development and requirements of the Millington Zoning Ordinance.

(b) The provision of adequate drainage facilities and on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community;

(c) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) with the existing or anticipated land use in the surrounding area;

(d) The existence and/or provision of adequate infrastructure facilities to serve the proposed development (i.e., water, sewer and other utilities, streets, street lights, fire hydrant, site lighting, gas, electricity, telephone service and similar information);

(e) Conformance of the site development plan with the city's comprehensive land use plan, as it may exist from time to time, or existing or anticipated land uses in the general area of the proposed MUPD, and applicable requirements of the zoning ordinance and subdivision regulations;

(f) Provision of adequate access for emergency vehicles. (as added by Ord. #2008-7, Sept. 2008)

14-2204. Development standards. The site plan must provide for and conform entirely to the following standards and requirements:

(1) In order to encourage ingenuity, imagination and high quality design regulations for residential areas will not specify minimum lot area per dwelling unit, but will limit to five (5) dwelling units per acre in single family detached areas and fifteen (15) units per acre in multifamily residential areas. This will promote clustering of dwellings to provide maximum open space. However, general standards for area, height and yard requirements for each lot shall be as set out in the Millington Zoning Ordinance for the underlying zoning district.

(2) Off-street parking and loading shall be provided as required by the Millington Zoning Ordinance. Reductions or variations in required parking may

be recommended by the planning commission and approved by the board of mayor and alderman if suitable alternatives are presented.

(3) Street widths and improvements must conform to the requirements established by the city's subdivision regulations and the major road plan; however, alternative design cross sections of minor roadways may be presented for consideration and approval at the time of outline plan review.

(4) Provisions for water supply and sanitary sewer connections shall be made to the satisfaction and requirements of the city engineer, public works director, board of mayor and alderman and the appropriate state and/or county agencies.

(5) Drainage provisions: a means of on-site drainage retention or detention, in accordance with the city's drainage manual, shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer and applicable Tennessee state law.

(6) All infrastructure, amenities and other improvements within an MUPD that are not individually owned buildings shall be installed and maintained by the developer, one or more property owners' associations or homeowners' associations, unless conveyed to and formally accepted by the City of Millington.

(7) Landscaping to provide a buffer between commercial, office, industrial and/or multi-family uses and adjacent single family residential districts and uses must be provided. The proposed type of landscape buffer shall be submitted by the developer as part of the application for MUPD zoning. These buffers shall be referenced by illustrated typical landscape plates, which shall show the type, size and location of plant material and/or required fencing or berms. A cross section of the approved screen shall be shown on the outline plan. Required screening shall not conflict with any easement.

(8) A minimum of ten percent (10%) of the gross residential area of each MUPD shall be set aside as parks, green space and/or playground. Of this ten percent (10%) a maximum of one-third (1/3) may be permanently covered with water. A maximum of five percent (5%) of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use, but portions of parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

(9) The planning commission and/or board of mayor and alderman may require such other special improvements as they deem desirable in the best interest of the city and the proposed MUPD. (as added by Ord. #2008-7, Sept. 2008)

14-2205. Review and approval. (1) The planning commission shall study the outline plan, text and supporting data, make suggestions for changes

and adjustments, and attach conditions for the approval of the outline plan as it deems necessary. After the planning commission reviews the outline plan and other required documentation text at a meeting, it shall recommend approval, disapproval or approval with conditions of the outline plan to the board of mayor and alderman in accordance with the Millington Zoning Ordinance.

(2) Within sixty (60) days after the date of the planning commission's action on the outline plan, the applicant shall submit a revised outline plan, incorporating all conditions imposed by the planning commission, to the department of planning and economic development. If the director of planning and economic development determines that the revised outline plan contains all changes required by the planning commission, the proposed MUPD zoning shall be submitted to the board of mayor and aldermen, without further review by the planning commission. If the revised outline plan does not contain all the changes required by the planning commission, it shall be re-submitted for consideration by the planning commission. If the developer has not submitted the revised outline plan within sixty (60) days after planning commission action on the plan originally submitted, the application for MUPD zoning shall be deemed withdrawn.

(3) The department of planning and economic development shall forward the recommendations of the planning commission to the board of mayor and alderman within fourteen (14) days of the date of the planning commission action on the application for MUPD zoning originally submitted or within fourteen (14) days of the date the applicant submits a revised outline plan incorporating the changes required by the planning commission, whichever date occurs later. The board of mayor and alderman shall approve, approve with conditions, or reject the request in accordance with the Millington Zoning Ordinance. Approval shall be indicated by the adoption of an amendment to the Millington Zoning Ordinance and zoning map which zones the property described in the application as MUPD.

(4) Once said ordinance becomes effective, the applicant shall deliver the outline plan of development, including all conditions of approval, engineer's certification, owners' and mortgagee's signatures, with notary acknowledgments and municipal authorization blocks to the department of planning and economic development for signature by appropriate city departments and recording in the Shelby County Register's Office, with the cost of recording to be paid by the developer. When the outline plan has been recorded, the property covered by the MUPD zoning shall be developed only in accordance with the recorded outline plan, unless amended as provided below.

(5) The recording of an outline plan shall not allow the development of the MUPD site but shall merely authorize the tiling of a final plat with the department of planning and economic development.

(6) If an application for MUPD zoning is denied by the board of mayor and alderman, a reapplication pertaining to the same property may not be tiled

within twelve (12) months of the date final action was taken on the previous application as outlined in § 14-1508 of the Millington Zoning Ordinance.

(7) No building permit shall be issued until a final plat of the proposed development or phase thereof, has been approved and recorded.

(8) If construction has not started within the MUPD within two (2) years following the effective date of the ordinance rezoning any property to MUPD, the board of mayor and aldermen shall have the right to rezone the property to its previous classification. Upon a showing of good cause for failure to commence construction within such period, the developer may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the planning commission, which may grant one extension of up to one (1) year. Requests for any additional extensions must be approved by both the planning commission and the board of mayor and aldermen. For purposes of this chapter, the start of construction shall mean the date on which a building permit was issued, provided the actual start of construction., repair, reconstruction., rehabilitation., addition or improvement was within one hundred eighty (180) days of the permit issuance date. The actual start of construction does not include: land preparation, such as clearing, grading and filling; or excavation for a basement, footings, piers or foundations; or the erection of temporary forms (such as construction trailers); or the installation of accessory buildings. (as added by Ord. #2008-7, Sept. 2008)

14-2206. Amendments to an approved outline plan. (1) An application for an amendment to an approved outline plan shall be filed with the planning commission and shall be accompanied by a nonrefundable fee in an amount established by the board of mayor and aldermen.

(2) An applicant requesting an amendment of an approved outline plan shall have the responsibility to demonstrate the appropriateness of the proposed amendment, by demonstrating the following:

(a) How the proposed amendment would conform to the city's comprehensive land use plan or to existing or anticipated uses of neighboring property;

(b) Why the proposed amendment to the approved outline plan for the property is appropriate or proper;

(c) The major economic, physical or social changes, if any, that have occurred in the vicinity of the property subject to MUPD zoning, that were not anticipated by the approved outline plan, that have substantially altered the basic character of the area, and that make the proposed amendment to the approved outline plan appropriate. The applicant shall describe such changes, their impact on the character of the area and the reasons for their not having been anticipated in detail and shall provided specific information as to the improvement of the plan that will occur if the amendment is approved.

(3) An application for an outline plan amendment shall include the following information:

(a) An outline plan of the entire MUPD, drawn to a scale of not less than one inch equals two hundred feet (1" = 200') or a smaller scale suitable to the size of development, if approved by the city's department of planning and economic development. The outline plan shall be drawn on a sheet twenty by twenty-four inches (20"x24").

(b) An outline plan of the contiguous land affected by the amendment, drawn to a scale of not less than one inch equals one hundred feet (1" = 100').

(c) Text presenting the following information:

(i) Proposed land uses and population densities;

(ii) Proposed primary circulation pattern;

(iii) Proposed parks and playgrounds;

(iv) Delineation of the units or phases to be constructed, together with a proposed timetable;

(v) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;

(vi) Relation to the comprehensive plan and to land uses in the surrounding area.

(vii) Estimates of traffic volumes generated by the completed project.

The amended outline plan shall include the same minimum information as that required in the initial application for an MUPD pursuant to this chapter.

(4) The application for an amended outline plan may be required by the department of planning and economic development to provide additional data in support of the amendment the planning commission may require such additional information as it deems material in connection with its consideration of the requested amendment. Such information may include but not be limited to, studies of traffic generation, drainage, sewers and public utilities, marketing and economic feasibility analyses or other issues which may be pertinent to the site and surrounding area.

(5) Scope of planning commission review:

(a) The planning commission shall consider, but not be limited to, the factors listed in § 14-2202 of this chapter.

(b) Proposed amendments shall be first submitted to the department of planning and economic development for its recommendations and report and the planning commission shall hold a public hearing thereon.

(c) The planning commission shall make its recommendation on such request for all outline plan amendments to the board of mayor and alderman, and the board of mayor and alderman shall proceed to hold a public hearing in relation thereto after giving fifteen (15) days notice of

the hearing in an official newspaper and mailing out notices property owners within five hundred feet (500') of the affected property specifying the time and place for the hearing.

(d) The board of mayor and alderman may refer the application back to the planning commission for additional study before final decision; however, no notice other than for the first public hearing need be given. (as added by Ord. #2008-7, Sept. 2008)

14-2207. Final plat procedure. The final plat may be filed at any time after the effective date of the ordinance zoning the property as MUPD. The final plat shall be reviewed by the planning commission in order to establish that it substantially meets the conditions of the recorded outline plan. After the planning commission reviews the final plat at a public hearing, it shall recommend approval, disapproval or approval with conditions of the final plat to the board of mayor and aldermen in accordance with the subdivision regulations. (as added by Ord. #2008-7, Sept. 2008)

14-2208. Final plat requirements. (1) Scale. The final plat shall be drawn at a scale of one inch equals one hundred feet (1"=100') or a larger scale suitable to the size of development if approved by the department of planning and economic development. The final plat shall be drawn on a sheet twenty by twenty-four inches (20"x24").

(2) Boundary description, prepared in accordance with the requirements set forth in a Category I survey according to the Tennessee Land Surveyors Laws and Regulations, latest edition.

(3) The final plat shall incorporate the following information:

(a) Scale, north arrow, name of firm or individual responsible for preparation, date of preparation, site location map, acreage and number of lot;

(b) Name of development project, phase number, name of developer/owner, engineer, tax parcel information, and zoning district;

(c) Adjoining subdivisions by name, section and lot number, and the names of owner, parcel acreage and instrument number for all abutting un-subdivided tracts (across the street is construed to mean abutting);

(d) Name, location, and right-of-way of existing and proposed streets and cross-section of street improvements with curb, gutter and sidewalks;

(e) The location, bearing, width, and length of every street centerline, tract boundary, rights-of-way, lot line and all existing easements with instrument number and proposed easements with their purpose individually designated;

(f) Sites reserved for parks, playgrounds, schools, or other public uses;

- (g) The tie-in dimension from a boundary line to the centerline of the nearest existing public street and to nearest section corner;
 - (h) Lots numbered in numerical order and common areas lettered in alphabetical order with street names assigned if appropriate and the area of each in square feet.
 - (i) Accurate location and description of existing monuments and markers or the location and description of a permanent bench mark set as a part of the survey;
 - (j) Conditions imposed by the planning commission and board of mayor and alderman;
 - (k) The regulatory base flood water surface elevation, FEMA floodway and floodplain boundaries as shown on current FEMA maps;
 - (l) Location/footprint of proposed buildings, including height in stories and feet, floor area ratio, total floor area and total square feet of ground area coverage;
 - (m) Ingress and egress easements, parking areas, all internal circulation, including bicycle and/or pedestrian easements/paths.
 - (n) The number of off-street parking spaces, and off-street loading areas;
 - (o) Existing tree masses to remain, streams, floodplain and other natural features;
 - (p) Landscaping, screening, buffering, and open space areas in accordance with the approved outline plan.
 - (q) A statement of organizational arrangements for the ownership, maintenance and preservation of common open space;
 - (r) On-site drainage retention or detention structures located in accordance with the outline plan, with design approved by the city engineer.
- (4) The provision and location of appropriate access to provide for the safety and efficiency of vehicular and pedestrian traffic both within the development and along adjacent streets;
- (5) The provision of sufficient open space, landscaping and buffering to meet the requirements of the outline plan;
- (6) The provision of adequate drainage facilities and on-site drainage retention or detention, in accordance with the city's drainage manual, in order to prevent drainage problems from occurring on the subject site or within the community;
- (7) The conformance of the site design (location of buildings, parking lots, screening, landscaping) with the approved outline plan;
- (8) The existence and/or provision of adequate community facilities to serve the proposed development (i.e., water, sewer gas, electricity, streets, fire hydrants, and site lighting);

(9) Conformance of the final plat with the approved outline plan, and any other applicable requirements of the zoning ordinance and subdivision regulations;

(10) Certifications. The following signed certificates shall be provided on the final plat (see appendix to city's subdivision regulations):

- (a) Owner's certificate;
- (b) Mortgagee's certificate, if applicable;
- (c) Notary's certificate for all owners and mortgagees;
- (d) Engineer's and/or surveyor's certificate and seal;
- (e) Planning commission certificate;
- (f) Board of mayor and alderman certificate;
- (g) Recording certificate.

(11) Protective covenants. The developer shall include protective covenants and/or deed restrictions on the final plat. (as added by Ord. #2008-7, Sept. 2008)

14-2209. Recording of final plat/building permit. Upon approval of the MUPD by the board of mayor and alderman, the city department of planning and economic development shall record the final plat in the Shelby County Register's Office, after the required signatures for recording have been secured and a development contract has been executed by all parties. No building permit shall be issued until a final plat of the proposed MUPD development, or applicable portion thereof, has been approved, filed and recorded. After approval, filing and recording of the final plat for any phase or for all of an MUPD, a building permit may be issued in accordance with the approved final plat. (as added by Ord. #2008-7, Sept. 2008)

CHAPTER 23**OLD TOWN DISTRICT PROVISIONS****SECTION**

14-2301. Intent to adopt regulations.

14-2302. Adoption of regulations.

14-2301. Intent to adopt regulations. It is the intent of the board of mayor and aldermen to adopt regulations for the Old Town District, including but not limited to regulations regarding permitted and prohibited uses, bulk regulations, signage, design regulation and review, landscaping, and other regulations that will accomplish the purposes for which the Old Town District is established. Until such time as the board of mayor and aldermen amends this chapter to establish such regulations, the underlying zoning classifications and regulations shall remain in effect as to each parcel of real property within the Old Town District. (as added by Ord. #2009-18, Oct. 2009, as replaced by Ord. #2019-5, May 2019 *Ch16_6-19-20*)

14-2302. Adoption of regulations. The following regulations were developed in accordance with the recommendations of the City of Millington Twenty (20) Year Master Plan adopted by Millington Planning Commission as Resolution 2-2018 on April 16, 2018. Within the areas designated O-T (Old Town) on the zoning map of the City of Millington, Tennessee, the following provisions shall apply:

- (1) Uses permitted, see Chart One, Permitted Uses.
- (2) Lot area, width, height, setbacks and other bulk regulations, see Chart Two District and Bulk Use Regulations. All buildings and structures located within the approach zone of any airport runway shall be subject to the regulations pertaining to such approach zone.
- (3) Maximum number of principal buildings. None providing the provisions of § 14-2303 are met.
- (4) Accessory buildings. Accessory buildings shall conform to the following standards:
 - (a) No accessory building shall be utilized for human occupation.
 - (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
 - (c) No accessory building shall extend into the required side yard.
 - (d) Accessory buildings may extend into the rear yard and shall be located a distance from the rear property line equal to the height of the structure.

(e) Accessory buildings shall not cover more than thirty percent (30%) of the required yard.

(f) No accessory building shall exceed twenty feet (20') in height.

(5) Parking. The general requirements of § 14-1203, Off Street Parking, shall apply to this district. However, this area was developed prior to the enactment of present-day setbacks and other standards and the strict application of the standards could make many of the properties in this area undevelopable. The planning commission is hereby granted a wide range of discretion in the application of the parking requirements in this district. The planning commission may take into consideration conditions such as: on-street parking; available public parking; shared parking, and other conditions in the approval of sites for development or redevelopment in this district. (as added by Ord. #2019-5, May 2019 (20) *Ch16_6-19-20*)

CHAPTER 24**SIGN ORDINANCE****SECTION**

- 14-2401. Findings.
- 14-2402. Purposes.
- 14-2403. Definitions.
- 14-2404. Computations.
- 14-2405. Sign requirements for office, commercial and industrial districts.
- 14-2406. Requirements for residential districts.
- 14-2407. Exempt signs.
- 14-2408. Nonconforming signs.
- 14-2409. Prohibited signs.
- 14-2410. Temporary and conditional signs.
- 14-2411. Illumination.
- 14-2412. Structural requirements.
- 14-2413. Inspection, removal and safety.
- 14-2414. Old Town.
- 14-2415. Permits and fees.
- 14-2416. Administration and penalties.
- 14-2417. Severability.

14-2401. Findings. The board of mayor and aldermen hereby finds as follows:

- (1) Exterior signs have a substantial impact on the character and quality of the environment.
- (2) Signs provide an important medium through which individuals may convey a variety of messages.
- (3) Signs can create traffic hazards and aesthetic concerns and may be detriments to property values, thereby threatening the public health, safety and welfare.
- (4) The city's zoning regulations have for many years included the regulation of signs, and such regulations are now set out in § 14-1202 of the city's zoning ordinance. Such sign regulations represent the city's effort to provide adequate means of expression and to promote economic viability of businesses within the community, while at the same time providing protection from proliferation of signs of a type, size, location and character that would adversely impact the city and its inhabitants. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2402. Purposes. This chapter is adopted for the following purposes:

- (1) To attract and direct various activities and enterprises in order to provide for maximum public convenience;

- (2) To provide for a reasonable system of control of signs;
- (3) To encourage signs that are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing;
- (4) To encourage a desirable urban characteristic that has a minimum of overhead clutter;
- (5) To enhance the economic value of the community and each area thereof through the regulation of such things as size, location, design and illumination of signs;
- (6) To encourage signs that are compatible with adjacent land use;
- (7) To reduce possible traffic and safety hazards through good signage;
- (8) To relate sign area and height to viewing distance and optical characteristics of the eye. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2403. Definitions 14-2403. Definitions. Any words and phrases not defined in this chapter but defined in chapter 5 of title 14 shall have the meanings set out in such other Chapter. All other words and phrases shall be given their common, ordinary meanings, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of these regulations. Tables and illustrations included in these regulations shall be used in interpreting the relevant provisions, but where the text conflicts with a table or illustration, the text shall control.

(1) "Abandoned sign." A sign that no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, project or activity conducted or product available, event or activity on the premises where the sign is displayed. See § 14-2412(10) for the time period after which a sign will be deemed abandoned.

(2) "Advertising sign." A sign containing an implicit or explicit commercial message directing attention to a business, profession commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including but not limited to billboard signs.

(3) "Alteration." Any change in materials, size, height, shape, design of a sign.

(4) "Animated sign." An animated sign is one in which displays one (1) or more pictures or icons that moves or changes shape or a sign any portion of which physically moves. For example, a sign on which the copy contains a picture of a dog standing still, which picture changes to a dog running, or a sign which has the form of a person, and the person's arms raise and lower, is an animated sign. For purposes of this chapter, the term "animated sign" does not refer to flashing or changeable copy signs, either manual or automatic, which are separately defined.

(5) "Awning." A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and that may be periodically retracted to the face of the building.

(6) "Awning sign." A sign that is attached to or that is part of an awning.

(7) "Banner." Any streamer, flag-like pennant or other like object, whether made of fabric or of other materials which, with or without insignia, attracts the attention of persons to a location, business or event. For purposes of this ordinance, a flag representing a governmental entity is not a banner.

(8) "Beacon." Any light with one or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source, or any light with one (1) or more beams that rotate or move.

(9) "Bench sign." A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

(10) "Billboard sign." A panel for the display of advertisements in public places, such as alongside highways or on the sides of buildings, see "advertising sign" above.

(11) "Building face or wall." All window and wall areas of a building in one plane or elevation.

(12) "Business sign." A sign that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered upon the same lot where the sign is located.

(13) "Canopy." See "awning sign."

(14) "Changeable copy sign (manual)." A sign on which copy is changed manually; for example, reader boards with changeable letters or changeable pictorial panels. All changeable copy shall be included within the allotted face of sign square footage and enclosed under a locked and vandal-proof case not reachable by pedestrians.

(15) "Changing sign (automatic)." A sign such as an electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same lamp bank. Copy for a changing sign (automatic) may include alpha-numeric text and may include logos, graphics, pictures or other images. The copy for a changing sign (automatic) shall change not less than every five (5) seconds. Changing copy shall not cover more than fifty percent (50%) of the sign face.

(16) "Church." A building, together with its accessory buildings and uses, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

(17) "Civic or club sign." A sign that identifies a governmental, nonprofit institution or organization qualified as tax exempt under section 501(c)(3) or other provision of the Internal Revenue Code, on whose premises it is located and that contains:

- (a) The name of the institution or organization;
- (b) Street address;
- (c) Greetings, announcements of events or activities occurring at the institution or similar messages.

(18) "Combination sign." A sign incorporating any combination of the features of pole, projecting and roof signs.

(19) "Commercial message." Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

(20) "Construction sign." A temporary sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and other similar persons or firms involved with the construction and development of the project.

(21) "Copy." The words, numbers, letters, logos, graphics and/or pictures on a sign surface.

(22) "Development sign." A temporary sign, relating to the promotion of the sale or rental of a new development or subdivision being constructed on the site upon which the sign is located, or located and containing information and directions to a new development or subdivision.

(23) "Dilapidated sign." A sign that is structurally unsound, has defective parts or is in need of painting or other maintenance.

(24) "Display sign area." The area made available by the sign structure for the purpose of displaying and advertising message.

(25) "Electric sign." A sign containing electrical wiring, but not including signs illuminated by an exterior light source.

(26) "Exterior directory sign." An exterior sign containing the building identification and address and the name and location of each tenant and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

(27) "Fixed balloon." Any lighter than air or gas-filled inflatable object attached by a tether to a fixed place used as a means of directing attention to a business, profession, or to a commodity or service sold, offered or manufactured, or to any entertainment or event.

(28) "Flashing sign." Any sign that contains an intermittent or flashing light source, or that includes the illusion of intermittent or flashing light, by means of animation, changes in the degree of light intensity, an externally mounted intermittent light source or reflective metal strips.

(29) "Ground sign." A sign mounted at ground level, the bottom faces of which shall be a minimum of twenty-four inches (24") from the surrounding grade.

(30) "Historic sign." A sign that carries historic significance, historic character or reflects a certain time period or era.

(31) "Instructional or informational sign." A sign solely conveying instructions intended strictly for the direction, safety and convenience of the public with respect to the premises on which it is maintained, such as a sign that designates the entrance to or exit from a parking area, or a sign that identifies restrooms, a "no trespassing" sign, a danger sign and other similar signs.

(32) "Integrated center sign." An on premise sign which identifies the name of an integrated retail, office or industrial center and/or the businesses within the center which may or may not be in the same building.

(33) "Logo." The graphic or pictorial presentation of a message, including but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

(34) "Nonconforming sign (legal)." A sign that does not comply with the provisions of this chapter, but that was in compliance in all respects, including the obtaining of any required permit, with the Sign Ordinance of the City of Millington in effect at the time of its erection.

(35) "Nonconforming sign (illegal)." A sign that does not comply with the provisions of this chapter and that was not in compliance with the Sign Ordinance of the City of Millington in effect at the time of its erection or with the conditions and provisions of a variance from such regulations lawfully granted at such time.

(36) "Off-premises sign." A sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold, which is not the primary activity, service or commodity provided on the property where the sign is located; any sign allowed as an off-premises sign must have the written approval of the owner of the property upon which the sign is to be located prior to consideration of approval and placement of the sign.

(37) "On-premise sign." A sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold, which is the primary activity, service or commodity provided on the property where the sign is located.

(38) "Permanent sign." Any sign that is intended for other than temporary use for a limited period of time. A permanent sign is generally affixed or attached to the exterior of a building, or to a sign structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

(39) "Pole or post sign." An on-premise freestanding sign that is supported by one or more uprights upon the ground, exceeding ten feet (10') in height. Pole signs may have display boards for messaging provided that the light is of a single, constant color, non-flashing, non-animated and is less than

twenty percent (20%) of the total allowed sign area. Messaging may change content and shall be no more than ten (10) seconds apart.

(40) "Political sign." A temporary sign erected to publish the name of a candidate, solicit or enlist votes in any official public election or a sign which states a position regarding a public or political issue or similar purpose.

(41) "Portable sign." A sign not permanently affixed to the ground or any structure, and designed or intended to be readily relocated including signs in or being transported in or on a vehicle and signs being held and/or transported by pedestrians who have been hired to display, present or promote advertisement.

(42) "Project sign." A sign solely consisting of numbers and/or letters erected to display the identity of three (3) or more occupants in a single building, business or office complex.

(43) "Projecting sign." A sign, which projects or extends outward from a wall or building, such that two (2) or more sides of the sign are visible.

(44) "Pylon sign." An on-premise freestanding sign which has at least twenty five percent (25%) of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one (1) or more supports such as poles, pole covers or columns. Pylon signs may have display boards for messaging provided that the light is of a single, constant color, non-flashing, non-animated and is less than twenty percent (20%) of the total allowed sign area. Messaging may change content and shall be no more than ten (10) seconds apart. The width of the sign face and the display board shall be coordinated to be appropriate as determined by the planning commission.

(45) "Real estate sign." A temporary sign used to announce or display the offer for sale rental, or lease of real property, which sign is erected on the property for sale.

(46) "Roof sign." A sign that is erected upon or above a roof or parapet of a building or structure.

(47) "Sign." Any letter, figure, character, mark, plan, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification. The construction of every permanent sign shall be consistent with industry standards for permanent signs as approved by the planning commission and in no case shall a permanent sign be constructed of canvas or other banner material.

(48) "Sign face." The entire area of a sign on which copy can be placed. On a double faced sign, the area of only one (1) face is included to determine the square footage of the sign face.

(49) "Sign structure." Any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition does not include a building, fence, wall or earthen berm.

(50) "Special sign corridor." There are three (3) special sign corridors that exist within the City of Millington. These corridors are described below and special regulations exist within these corridors.

U. S. Highway 51. A special sign corridor shall exist along both sides of U. S. Highway 51, within the Millington City Limits. Special area and height regulations exist within this area.

Navy Road. A special sign corridor shall exist along both sides of Navy Road from U. S. Highway 51 to a point 500' east of Church Street. Special area and height regulations exist within this area.

Babe Howard Avenue. A special sign corridor shall exist along both sides of Babe Howard Avenue from U. S. Highway 51 to Hickory Meadow Road. Special temporary sign rules shall exist within this area.

(51) "Street banner." A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame affixed to streetlight or utility pole and utilized by the city to promote a specific event, district or holiday.

(52) "Subdivision entrance sign." Any on-site sign, masonry wall, landscaping or similar materials or features, which separately or together form a display for identifying the subdivision, provided that the legend of the sign shall consist only of the name of the subdivision.

(53) "Temporary sign." A sign neither intended nor designed for permanent display. A sign not permanently affixed to the ground or any structure, and designed or intended to be utilized for a designated or permitted period of time except as otherwise stated herein.

(54) "Trailer." A cart, wagon or other similar wheeled conveyance, either enclosed or unenclosed, which is designed to provide a means of transporting property or persons. A trailer lacks the independent power to move from place to place, but is moved by being pulled, attached, hitched or otherwise connected to a motor vehicle or other separate power source.

(55) "Vehicle." A wheeled automobile, truck, bus or other similar conveyance, which has its own source of power to move from place to place, which is generally used for transport of persons or property, and which is required by state law to be registered and licensed.

(56) "Vehicle sign." A sign that is magnetically or structurally attached to, or that is painted on or applied to a vehicle, the principal purpose of which sign is to attract attention to a product sold or a business, entertainment or other activity. Any vehicle greater than twenty feet (20') in length and/or eighty

inches (80") in height that has a vehicle sign must be parked in the closest space to the business and not at the street frontage. This shall not apply to rental trucks located on the premises of a truck rental business.

(57) "Video sign." A sign that contains moving or changing pictures or images.

(58) "Wall sign." Any sign attached flat on a wall or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

(59) "Wayfinding sign." The City of Millington may install wayfinding signs on existing street signs, poles and on public property. The purpose of these signs is to: Provide unified and distinctive wayfinding elements for the City of Millington; aid visitors, and residents to locate destinations easily; facilitate traffic circulation and public safety; and enhance the visual environment of the city. When wayfinding signs are located in state owned or maintained property, they shall conform to the requirements of the "Tennessee Department of Transportation Local Government Guide Sign Program."

(60) "Window sign (permanent)." A sign painted on or otherwise permanently affixed to a window and which is included within the amount of permanent signage allowed by this chapter for the property on which it is located.

(61) "Window sign (temporary)." A sign temporarily affixed to or placed within a window and which is not included within the amount of permanent signage allowed by this chapter for the property on which it is located, but is allowed only on a temporary or conditional basis.

(62) "Work of art." An object, painting, sculpture, picture or other similar artistic rendering that contains no commercial message. (as added by Ord. #2010-08, May 2010, replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014, and amended by Ord. #2019-23, Dec. 2019 *Ch16_6-29-20*)

14-2404. Computations. The following principles shall control the computation of sign area and sign height:

(1) Computation of area of individual signs, except ground signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest simple geometric shape, or combination of shapes that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(2) Computation of area of ground signs. The area of a ground sign shall include all area of the sign, including logos, emblems, representation, or other display, excluding supporting structure and the required sign base.

(3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (a) Existing grade prior to construction; or
- (b) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.

(4) Building frontage. (a) Building frontage shall mean:

(i) The horizontal length measured from the side of a building parallel to the street frontage of the heated and enclosed structure upon a premises, not including out-buildings or appurtenant structures, or

(ii) The horizontal length of a building on the side with its principal entrance, whichever is greater.

(b) If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to corner; where the side of the building is convex or has one (1) or more sections that project in front of the front corners, then the measurement shall be made as the shortest distance between two (2) lines projected from the two front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2405. Sign requirements for office, commercial and industrial districts. (1) Permitted signs and regulations. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in the B-1, B-2, O, M-1, M-2, M-3, PC and MUPD Zoning Districts of the City of Millington except as otherwise provided herein or in other ordinances of the city now existing or hereafter adopted, and subject to planning commission approval:

- (a) Business signs. (i) Each ground floor occupant of a business structure is permitted no more than two (2) business signs. These sign(s) may face the street upon which the business fronts, be located on the side of the business, or one (1) sign may be located

on the front and the second sign located on the side, provided that no sign on the side of the building shall face directly into residential property.

(ii) If two (2) or more businesses share the same space with the same frontage, the signage area shall be the same as in § 14-2405(1)(a)(i), above. No additional signage will be allowed. The businesses occupying such space shall agree among themselves as to allocation of the permitted square feet of signage for each.

(iii) If an existing business has installed all or substantially all the signage permitted under this chapter and then, having received the required permits to do so, erects a permanent wall in order to divide its building into separate sections, with separate entrances, the business that occupies the newly-created section shall be allowed to install additional signage up to thirty (30) square feet in excess of the total signage allowed for the original business in that building. Provided, however, that the allowable signage for any such newly divided separate section in a previously existing building shall not exceed one and one-half (1 1/2) square feet of signage for each linear foot of such section's frontage. For example: If the original total allowed signage for the building was one hundred fifty (150) square feet, the existing occupant (owner or tenant) has used one hundred fifty (150) square feet, and the newly divided space has frontage of thirty (30) linear feet, the newly divided space shall be allowed thirty (30) square feet of signage. If the existing occupant has used only one hundred thirty (130) of the allowed one hundred fifty (150) square feet of signage, and the newly divided space has frontage of thirty (30) linear feet, the occupant of the newly divided space shall be allowed up to forty five (45) square feet of signage.

(iv) Where a building fronts on more than one (1) street, one (1) sign is allowed facing each street but in no case shall the total square footage of all signage exceed two hundred (200) square feet except as otherwise provided herein.

(v) In those instances where a building frontage is less than one hundred (100) linear feet, upon request of the building occupant, the planning commission may increase the maximum square footage allowed for that building may be increased not to exceed ten percent (10%).

(vi) Business establishments situated on the second or third floors of business structures and having an exterior entrance on the ground floor shall be permitted one (1) wall sign not to exceed four (4) square feet, located adjacent to the exterior entrance.

(vii) Signs for hotels, motels and "big box" businesses shall be in sizes and locations as approved by the planning commission, but such signs shall not exceed a total of three-hundred (300) square feet in size for all signs or a maximum height of twenty five feet (25'). For purposes of this subsection, a "big box" business shall be one that occupies at least fifty thousand (50,000) square feet of heated space and has a building frontage of at least two hundred (200) linear feet.

(viii) Signs for businesses setback greater than two hundred feet (200') from the street right-of-way with greater than one hundred feet (100') of frontage. All buildings with greater than one hundred (100) lineal feet (lf) of frontage shall be allowed a total of one hundred fifty (150) square feet of sign area for the first one hundred (100) lf of building frontage. In addition, they shall be allowed additional square footage based on the following chart:

SIGN AREA CHART		
Distance from the street	Sign Area Calculation	Maximum Sign Area
Within 100'	One and one-half square foot of signage for every 100 linear foot of the occupant's building frontage	150 sq. ft.
101' to 400'	One and one-half square foot of signage for every 100 linear foot of the occupant's building frontage plus 0.5 sq. ft. for every 1 lf., of building frontage greater than 100'	300 sq. ft.
401' to 600'	One and one-half square foot of signage for every 100 linear foot of the occupant's building frontage plus 1.0 sq. ft. for every 1 lf., of building frontage greater than 100'	450 sq. ft.
Greater than 600'	One and one-half square foot of signage for every linear foot of the occupant's building frontage.	600 sq. ft.

(ix) A business may have a maximum of two (2) wall signs or may have a permanent window sign in lieu of a wall sign. Subject to the regulations of this ordinance, some business may have a ground sign. All signs are subject to the following restrictions:

(A) No wall sign shall project above the highest point of the wall or the parapet on the same side of the building as the sign.

(B) Ground signs in all districts except M-1, M-2 and M-3 and the special sign corridors listed below, shall be a maximum of thirty two (32) square feet in sign area (four

feet (4') in height) and shall be situated at least fifteen feet (15') from the pavement edge or curb of a public street or outside the public right-of-way, whichever is further. The ground sign structure, including base, shall be no more than six feet (6') in height from surrounding grade. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as provided through the site plan review process.

Special Sign Corridor - U. S. Highway 51. Qualifying businesses may have a pylon sign of up to fifty (50) square feet, twenty feet (20') in height and shall be situated at least fifteen feet (15') from the pavement edge or curb of a public street or outside the public right-of-way, whichever is farther. The ground sign structure, including base, shall be no more than twenty feet (20') in height from surrounding grade. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as provided through the site plan review process.

Special Sign Corridor - Navy Road. Qualifying businesses may have a ground sign, and such sign shall be a maximum of forty (40) square feet in sign area (six feet (6') in height) and shall be situated at least fifteen feet (15') from the pavement edge or curb of a public street or outside the public right-of-way, whichever is further. The ground sign structure, including base, shall be no more than eight feet (8') in height from surrounding grade. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as provided through the site plan review process.

(C) In M-1, M-2 and M-3 districts, ground signs for buildings with a frontage of one hundred (100) lineal feet or less, shall be a maximum of sixty four (64) square feet in sign area (eight feet (8') in height) and shall be situated at least fifteen feet (15') district from the pavement edge or curb of a public street or outside the public right-of-way, whichever is further. The sign structure shall be no more than ten feet (10') in height from surrounding grade. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as permitted through the site plan review process.

(D) Permanent window signs shall be permitted in lieu of a building sign provided that permanent window signs shall not occupy more than twenty five percent (25%) of the total window openings, with no more than fifty

percent (50%) of any individual window covered. Window signs shall not be placed in a manner that would impede the sight of people entering or exiting the premises or emergency personnel.

(E) No business sign shall be located closer than two feet (2') from any other business located on the ground floor of the same or adjoining building, and no business sign shall be located closer than two feet (2') in any direction from any other business sign.

(b) Civic and church signs. (i) Schools, clubs and non-profit organizations shall be permitted one on-premise sign facing each street upon which such entity's primary office or principal facility fronts. Such signs shall be subject to the same restrictions as provided for business signs with regard to height, location, size and type. The height, location, size and type and landscaping of all proposed school, club and non-profit organization signs shall require review and approval by the planning commission.

(ii) Each church located in a commercially zoned area or within the Special Sign District - U. S. Highway 51, shall be permitted one (1) on-premise, ground-mounted sign facing each street upon which its principal building fronts. Each church shall also be allowed one wall-mounted sign facing each street upon which it fronts; provided however, a wall sign may designate only the name and/or denomination of the church. Such signs shall be subject to the same requirements provided for business signs with regard to height, location, size and type, except as provided below. The maximum total sign square footage allowed for each church shall be two-hundred-twenty (220) square feet, and no ground signs shall exceed ten feet (10') in height. The height, location, size, type and landscaping of all proposed church signs shall require review and approval by the planning commission.

(iii) Churches, schools, clubs and non-profit organizations shall also be allowed a maximum of two (2) directional signs located off-premises. Such signs shall state the name of the church, school, club or organization and provide a directional arrow. The off-premises signs shall not exceed twenty-five (25) square feet in size and shall not be more than six feet (6') high. Such signs shall not be illuminated. The design, color scheme and placement of such off-premise signs shall be subject to review and approval by the planning commission and written approval of the owner of the property on which they are to be placed.

(c) Construction and development signs. (i) Construction and development signs shall be permitted, as set out herein, during the

course of physical construction under a valid building permit issued by the City of Millington and thereafter as provided below.

(ii) Construction signs for business or commercial structures shall not exceed thirty two (32) square feet in face area, shall be no greater than eight feet (8') in height, shall be located on the premises where construction is in progress, and shall be no less than fifteen feet (15') from the face of curb or edge of pavement. The construction signs provided for in this subsection shall be permitted to stand during the period of construction and for a period of thirty (30) days after construction is complete. Construction signs in business and commercial districts shall contain, at a minimum, the name of the owner and/or developer and the names and telephone numbers of persons to contact for emergency purposes, purchase or leasing or may contain such other information as required by governmental agencies or lender.

(iii) When the construction of a business or commercial project is complete and while lots in a business or commercial subdivision or bays in a multi-occupant project are for sale or lease, there shall be permitted on-premises "for sale" or "for lease" signs of the same size and locations as described in § 14-2405(1)(d)(i)(A) and (B) until two-thirds (2/3) of the lots or bays, as applicable, have been sold or leased. Thereafter, there shall be permitted on-premises real estate signs for individual lots or bays as provided for in this chapter.

(d) Exterior directory signs. (i) Exterior directory signs shall be allowed in any project where one (1) or more tenants does not have an exterior entrance or does not qualify for an exterior sign. The purpose of the directory shall be for customer convenience, direction and safety. The number of directories shall be limited to one for each main entrance to the building.

(ii) Directories shall not exceed the following sizes:

(A) Twelve (12) square feet per face, and total sign face areas shall not exceed twenty four (24) square feet when located within seventy five feet (75') of any public right-of-way;

(B) Twenty five (25) square feet per face, and total sign face area shall not exceed fifty (50) square feet when located seventy five feet (75') feet or more from any public right-of-way.

(iii) Directories shall be located either behind the main building line or a minimum of seventy five feet (75') from any public right-of-way. No exterior directory shall exceed six feet (6') in height as measured from surrounding grade.

(iv) Building identification letters shall not exceed six inches (6") and tenant identification shall not exceed four inches (4"). Each tenant listed shall occupy the same size and shape space.

(e) Project signs. In a project or development wherein five (5) or more businesses, tenants or occupants are contained with or without individual street frontage and with a common parking lot and a total square footage of at least seven thousand five hundred (7,500) square feet in the project, there shall be permitted, in addition to the allotted square footage heretofore recited, a project sign subject to the following restrictions:

(i) Project signs shall be set back no less than fifteen feet (15') from the street right-of-way.

(ii) The height of the project sign shall be determined by the number of occupants as hereinafter provided, but in no instance shall the height exceed twenty feet (20') regardless of the number of occupants;

(iii) The maximum width of the project sign shall be no more than ten feet (10);

(iv) The sign may be internally lighted, but only with white lighting of such intensity and focus that will not infringe upon neighboring properties or street traffic;

(v) The base of the project sign must be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign, which base area shall be so designed to prevent traverse by vehicular or pedestrian traffic.

(vi) The name of the project itself must be located upon the top of the project sign, the name designation to be substantially the same width as the overall sign and of vertical height no more than five feet (5').

(vii) Every tenant, occupant or business listed upon the project sign shall be entitled to no more than ten (10) square feet per business, and a vertical sign height of no more than one foot (1'), provided that the collective square footage of the occupant signs shall not exceed one hundred twenty (120) square feet and in the event that there are more than twelve (12) tenants, tenants and/or businesses identified, then each shall be entitled to an equal allotment on the project sign;

(viii) All project signs shall be ground signs, and the face of the sign shall be located not more than three feet (3') and not less than two feet (2') from surrounding grade and the face shall be rectangular in shape; the final height of the sign to be determined as hereinbefore provided by the number of occupants, it being

specifically prohibited to have spaces or gaps between occupant signs and the center designation signs;

(ix) The space between the bottom of the sign face and ground level shall be of solid construction.

(x) The planning commission shall approve all project signs prior to the issuing of a sign permit, and such signs are further subject to the general requirements of this chapter.

(xi) The business owner and/or company name shall accompany some portion of allowable signs.

(f) Real estate signs. In office, commercial and industrial zoning districts, one (1) ground or wall sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease, provided the sign does not exceed twenty (20) square feet in face of sign area. If not attached to a building, the sign shall not exceed five feet in height and shall be set back no less than fifteen feet (15') from the face of curb or edge of pavement. Real estate signs shall be removed within seven days of the closing of the sale, rental or lease of the premises.

(g) Special provisions for service stations and convenience stores. A service station or convenience store which is engaged in the retail distribution of petroleum and petroleum products, minor grocery staples and deli or grill foods, in addition to the sign allotment herein before provided, shall be further entitled to the following additional signs:

(i) Total permitted signage. The maximum signage for all signs for a service station shall equal one and one half (1.5) square feet for every lineal foot of building frontage. Provided, however, that the planning commission may increase the maximum signage by ten percent (10%) for buildings of less than one hundred feet (100') of frontage.

(ii) Ground mounted Pylon or freestanding signs. One (1) ground mounted sign shall be permitted for every service station building. The regulations for that sign shall be subject to the district and sign corridor in which it is located.

Ground Mounted Signs	Area	Height
Highway 51 Special Sign Corridor	50 sq. ft.	20 feet
Navy Road Special Sign Corridor	40 sq. ft.	8 feet
M-1, M-2, M-3 and M-P	50 sq. ft.	10 feet
All other permitted locations	32 sq. ft.	6 feet

(iii) Gasoline service station canopy signs. A gasoline service station with a canopy shall be permitted two canopy signs in addition to other permitted signs. These signs shall be a part of their total permitted signage. An individual canopy sign shall not exceed twenty (20) square feet and both signs shall collectively not

exceed forty (40) square feet in area. The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. The sign portion of the canopy may be internally lit. The balance of the canopy shall not be lit.

A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the allowable sign area.

(iv) Pump signs. (A) Signs shall be allowed on gasoline pumps to provide the required information to the public regarding "octane rating," "price," type of fuel, "federal and state stamps," "pump use directions," and "no smoking."

(B) The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three feet (3') above the ground and not to exceed one (1) square foot in sign area per pump.

(v) Gasoline service station price signs. Gasoline service station price information may be incorporated into the ground mounted sign or canopy sign, provided that the total area of the price sign shall not exceed twenty (20) square feet in area.

(vi) Building or wall signs. building signs are in accordance with normal requirements for office, commercial and industrial districts.

(h) Signs in PC Districts. Businesses located in PC Districts shall be allowed on-premise signs with an allowable area of one (1) square foot for each foot of building width, not to exceed one hundred fifty (150) square feet. Provided, however, that where there is one (1) single occupancy building, and no other buildings, located on a tract of land in a PC District that is five (5) acres or more in size, the business occupying that building shall be allowed three hundred fifty (350) square feet of signage, plus with approval of the planning commission, an additional fifty (50) square feet of signage for each developed acre in excess of five (5) acres, up to a maximum of five hundred (500) square feet of signage.

(2) Landscape requirements. (a) All signs permitted for uses authorized in the B-1, B-2, O, PC, MUPD, M-1, M-2 and M-3 zoning districts of the City of Millington shall be adequately landscaped, as approved by the planning commission.

(b) All ground, pylon and other signs which are not located in or on a building and which are located in B-1, B-2, O, PC, MUPD, M-1, M-2 and M-3 zoning districts or in a residential district (but not on a lot actually used for residential purposes) shall be landscaped in accordance with a landscape plan presented by the applicant and approved by the planning commission. Landscape guidelines will be provided with the application for a sign permit. Landscaping installation must be done within thirty (30) days after commencement of installation of the sign.

(c) The site user shall be responsible to keep required landscaping sufficiently watered and trimmed, and failure to do so shall be a violation of this ordinance. If any plants should die, the site user shall be responsible to replace them within thirty (30) days with substantially similar plants.

(3) Planning commission. In all instances where review of a proposed development by the planning commission is a requirement of this chapter or the zoning ordinance, or upon a request for installation of a new sign, or where an existing sign is proposed to be changed, the signs planned or proposed to be a permanent part of such development shall be reviewed and approved by the planning commission based on the following criteria:

- (a) The proposed site size and location
- (b) The proposed sign size and location on the site
- (c) Sign height
- (d) Sign color
- (e) Material construction methods
- (f) Illumination of the sign
- (g) Sign graphics and lettering
- (h) Sign type and style
- (i) Required landscaping

Provided however that changes of only the sign faces of a ground or building sign where there is no other change to the sign, may be approved by the director of economic development and planning or such director's duly authorized representative. (as added by Ord. #2010-08, May 2010, replaced by Ord. #2010-16, Oct. 2010, amended by Ord. #2013-4, Aug. 2013, replaced by Ord. #2014-8, July 2014, and amended by Ord. #2016-18, Dec. 2016, and Ord. 2019-23, Dec. 2019 *Ch16_6-29-20*)

14-2406. Requirements for residential districts. (1) Permitted signs and regulations. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in all residential zoning districts:

(a) Civic, clubs, church and non-profit signs. (i) Schools, clubs and non-profit organizations shall be permitted one (1) on-premise sign facing each street upon which such entity's primary office or principal facility fronts. Such signs shall be subject to the same restrictions as provided for business signs with regard to height, location, size and type. The height, location, size and type and landscaping of all proposed school, club, and non-profit organization signs shall require the review and approval of the planning commission.

(ii) Each church shall be permitted one (1) on-premise, ground-mounted sign facing each street upon which its principal building fronts. Each church shall also be allowed one (1)

wall-mounted sign facing each street upon which it fronts; provided however, a wall sign may designate only the name and/or denomination of the church. Such signs shall be subject to the same requirements provided for business signs with regard to height, location, size and type. The maximum total sign square footage allowed for each church shall be one hundred (100) square feet, and no sign shall exceed six feet (6') in height. The height, location, size and type and landscaping of all proposed church signs shall require the review and approval of the planning commission.

(iii) Churches, schools, clubs and non-profit organizations shall also be allowed a maximum of two (2) directional signs located off-premises. The off-premises signs shall not exceed twenty-five (25) square feet in size and shall not be more than six feet (6') high. Such signs shall not be illuminated. The design, color scheme and placement of such off-premise signs shall be subject to review and approval by the planning commission and written approval of the owner of the property on which they are to be placed.

(iv) The maximum size for club and civic organizations shall not be more than forty eight (48) square feet in area.

(b) Construction signs. (i) Construction signs within residential districts shall be permitted as set out herein during the course of physical construction under a valid building permit issued by the City of Millington.

(ii) Construction signs for single family detached dwellings and duplexes shall be not more than nine (9) square feet in area, shall be set back at least ten feet behind the curb face or edge of pavement, and shall not exceed four feet (4') in height. The construction sign shall be permitted to stand during the period of construction, but not more than seven (7) days after construction is complete.

(iii) While a subdivision described in an approved final plat, is under physical construction, and for a period of sixty (60) days after the completion of construction, there shall be permitted two (2) temporary off-premises signs giving only the name of and directions to the subdivision, which signs shall be no more than sixteen feet (16') in area. The owner may choose to use a single off-premises development sign, in which case the total square footage of thirty two (32) square feet shall be permitted for such sign, with a height of no more than six feet (6'). For purposes of this section, "construction" shall mean construction of the subdivision infrastructure (grading, sewers, water lines, streets,

etc.) and shall not mean construction of individual houses within the subdivision.

(iv) Both on-premises and off-premises development signs shall require the approval of the planning commission as to location, set back and design as provided hereinafter.

(c) Development signs. When the infrastructure construction of a new residential subdivision is complete and lots or houses are for sale, there shall be permitted signs of the same size and locations described in § 14-2406(1)(b) until two-thirds (2/3) of the lots within the subdivision have been sold. Thereafter, there shall be permitted real estate signs for individual lots or houses as provided for in this chapter.

(d) Multi-family and mobile home park project identification signs. (i) All multi-family projects, apartment complexes and/or condominiums with four (4) or more units and mobile home parks with twenty five (25) or more units shall be permitted one (1) externally lighted ground or wall sign for identification; provided however, if the project fronts on more than one (1) arterial and/or collector street, then one (1) additional multi family project identification sign shall be permitted at a major entrance that is located on the additional street frontage. The sign face area of each sign shall not exceed thirty six (36) square feet. The height of any ground sign shall not exceed six feet (6').

(ii) Setback requirements for ground signs for multi-family and mobile home park developments shall be as follows:

(A) If the building is set back forty feet (40') or less from the street right-of-way, then the sign shall be placed within ten feet (10') of the front face of the building;

(B) If the set back is greater than forty feet (40') from the street right-of-way, then the sign shall be no less than thirty feet (30') from the street right-of-way;

(C) The set back requirements may be reduced by the development director or the planning commission as provided hereinafter if the sign is three feet (3') or less in height.

(e) Real estate signs. In all residential districts, one (1) temporary ground sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. The sign shall not exceed dimensions of two feet by three feet (2' x 3'), with a total maximum sign face area of six (6) square feet per face, with a maximum of two (2) faces on a single plane of material. The maximum height of the sign shall be three feet (3'), and the sign shall be set back not less than five feet (5') from the curb face or edge of pavement.

(f) Subdivision entrance signs. In single family detached residential developments, a subdivision as defined by a duly recorded subdivision plat, there shall be permitted a subdivision entrance sign at the intersection of every major arterial or collector street within the subdivision. The subdivision entrance signs shall be permanent and approved ground signs, shall contain only the name of the subdivision, shall not exceed twenty five (25) square feet of the sign face area, shall be set back no less than twenty feet (20') from the face of the curb or edge of pavement of the main street of the subdivision and shall be approved by the planning commission. The setback requirements may be reduced by planning commission as provided hereafter, provided the height of the structure does not exceed three feet (3') above the curb grade,

(2) Landscape requirements. All signs permitted for uses authorized in all residential zoning districts of the City of Millington shall be adequately landscaped in accordance with the provisions of the City of Millington landscape requirements and approval by the planning commission.

(3) Planning commission. In all instances where review of a proposed development by the planning commission is a requirement of this chapter or the zoning ordinance, or upon a request for installation of a new sign, or where an existing sign is proposed to be changed, the signs planned or proposed to be a permanent part of such development shall be reviewed and approved by the planning commission, based on the following criteria:

- (a) The proposed site size and location
- (b) Sign size and location on the proposed site
- (c) Sign height
- (d) Sign color
- (e) Material construction methods
- (f) Illumination of the sign
- (g) Sign graphics and lettering
- (h) Sign type and style
- (i) Required landscaping

Provided however that changes of only the sign faces of a ground or building sign where there is no other change to the sign, may be approved by the director of economic development and planning or such director's duly authorized representative.

(4) Special provisions for AG residential district. (a) Allowable signs:

- (i) Signs advertising activities conducted on the property.
- (ii) Opening signs/new product or service signs as regulated in § 14-2406(1)(c)(i) and (ii).
- (iii) Directional signs provided that they are no more than three (3) square feet in size and are not illuminated.
- (iv) Signs as regulated by § 14-2406 requirements for residential districts as modified herein;

- (v) Off premise signs as regulated by § 14-2406(1)(a)(iii).
- (b) Prohibited signs. (i) Signs advertising home occupations.
 - (ii) Multi-family project identification signs.
 - (iii) Illuminated signs except in association with a subdivision entrance sign.
 - (iv) All signs not expressly permitted by this section.
- (c) Size. Signs shall not exceed fifty (50) square feet per face or a total of one hundred fifty (150) square feet for all signs on the property.
- (d) Location. (i) Signs shall not be erected within fifty feet (50') of road intersections.
 - (ii) There shall not be more than three (3) signs per street frontage and shall be spaced a minimum of two hundred (200) feet apart.
 - (iii) Signs shall be located at least thirty feet (30') from the edge of the pavement or back of curb of any road and shall not exceed twelve feet (12') in height. (as added by Ord. #2010-08, May 2010, replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, June 2014, and amended by Ord. #2019-23, Dec. 2019 *Ch16_6-29-20*)

14-2407. Exempt signs. Except as expressly otherwise provided, the following signs shall be exempt from the requirements of this chapter:

- (1) Official public notices and notices posted by public officers in the course of performance of their duties;
- (2) Governmental signs for the control or direction of traffic and other regulatory purposes;
- (3) Flags or emblems of the United States, the State of Tennessee, Shelby County, the City of Millington, or U.S. military organizations located within the city;
- (4) Temporary on-site signs for a period not to exceed thirty (30) days, totaling not over six (6) square feet of surface area on any lot, pertaining to campaigns, drives or events of non-profit civic, philanthropic, educational or religious organizations, public or private schools located within the city;
- (5) Permanent memorial plaques, cornerstones, historical tables and the like installed by the United States, the State of Tennessee, Shelby County, the City of Millington, U.S. military organizations located within the city, or organizations that are tax exempt under section 501(c)(3) of the Internal Revenue Code;
- (6) Signs not visible from off the lot upon which they are situated;
- (7) Signs posted in conjunction with door bells or mailboxes, none exceeding thirty six (36) square inches in surface area;
- (8) Small, non-illuminated instructional signs, not exceeding one and one-half (1 1/2) square feet in surface area, containing messages such as "entrance" or "exit," "watch your step," "low overhang" and the like;

(9) Address signs, not more than one (1) for each main street frontage of each principal use on a lot, and not exceeding seventy two (72) square inches in surface area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be designed to facilitate emergency identification for fire department and other public service employees;

(10) Decals, numerals, names, addresses, hours, credit information and the like attached to doors or windows and all of which occupy a total area of one (1) square foot or less;

(11) Yard sale signs, provided that no yard sale sign shall not be displayed for more than five (5) days and shall be removed by the owner within one (1) day of close of sale and is subject to penalties as set for in § 14-2415.

(12) Political signs are exempt from the provisions of this chapter, provided they meet the following guidelines:

(a) Signs promoting the election of a political candidate or an issue on a ballot are allowed to be installed on both vacant and occupied private property, with the property owner's prior consent. Such signs are not allowed to be installed within the right-of-way or median of a road, street or highway. Such signs may not be installed more than thirty (30) days before the first day of early voting in an election and shall be removed within twenty-four (24) hours after the conclusion of the election (including runoffs).

(b) Political signs may be ground mounted or placed into a window. If they are ground mounted, they shall meet the requirements for real estate signs with respect to height and area.

Residential areas: The sign shall not exceed six (6) square feet per face, with a maximum of two faces on a single plane of material. The maximum height of the sign shall be three feet (3') and the sign shall be set back not less than five feet (5') from the curb face or edge of pavement.

Non-Residential areas: The sign shall not exceed twenty (20) square feet per face, with a maximum of two (2) faces on a single plane of material. The maximum height of the sign shall be five feet (5') and the sign shall be set back not less than fifteen feet (15') from the curb face or edge of pavement.

If the sign is placed in a window in a non-residential district, it shall conform to the window sign requirements.

(c) Political signs are specifically not allowed on utility poles, traffic signs, street name signs, fences and sidewalks, subdivision entrance signs, common open space areas, public property, schools, parks or trucks and trailers.

(13) Works of art with no commercial message.

(14) Signs painted on or affixed to bodies of vehicles and trailers and not prohibited by § 14-2409.

(15) Holiday lighting, including strips or strings of lights outlining roof lines, doors, window, wall edges, or other architectural features of a house or other building, displayed between Halloween and New Year's Day of each calendar year.

(16) Under canopy signs are exempt provided the following conditions are met:

(a) These signs shall be only allowed on buildings with three or more businesses, and contain only the name of the business.

(b) These signs shall be located no less than eight feet (8') above the sidewalk and be placed perpendicular to the building frontage.

(c) These signs shall not exceed five (5) sq. ft. in area and shall match the building sign in color. (as added by Ord. #2010-08, May 2010, replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014, and amended by Ord. #2017-16, Nov. 2017)

14-2408. Nonconforming signs. (1) Intent. Signs which were legally in existence prior to the adoption of this chapter, but which do not conform to the provisions of this section, are declared to be nonconforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

(2) General nonconforming sign provisions. Subject to the exceptions hereinafter set forth, any nonconforming signs may continue to exist after the effective date of this chapter, provided that subject to Tennessee Code Annotated, § 13-7- 208, nonconforming signs shall not be:

(a) Changed to, or replaced with, another nonconforming sign;

(b) Expanded;

(c) Relocated, reoriented, or repositioned;

(d) Modified in any way that would increase the degree of nonconformity of such sign.

(3) Changes to a nonconforming sign. Sign maintenance, sign repair, and changing of permanent sign faces are allowed as long as structural alterations are not made and the sign is not increased in size. A sign permit is required and an electrical permit may be required in accordance with § 14-2415, permits and fees.

(4) Improvements. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the city's building official.

(5) Replacement or modification of a nonconforming sign. Any replacement or modification of a nonconforming sign, except as permitted by, and in accordance with Tennessee Code Annotated, § 13-7-208 and this chapter,

shall render the prior permit void and shall result in the reclassification of such sign as a prohibited sign pursuant to § 14-2409.

(6) If the use of any property changes, any signs located on that property must be brought into compliance with this chapter. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, Ord. #2014-1, Feb. 2014, and Ord. #2014-8, July 2014)

14-2409. Prohibited signs. (1) General. Except as otherwise permitted by this chapter, the following signs shall be prohibited:

(a) Animated signs, except for signs showing only the name of the sponsor of the sign, time and temperature, or sign operated by a governmental entity.

(b) Flashing signs.

(c) Strips or strings of lights outlining property lines, sales areas, roof lines, doors, window, wall edges or other architectural features of a building except as permitted in § 14-2407(15).

(d) Signs on public property or rights-of-way, other than those erected at the direction or with the permission of a public authority having jurisdiction of such property.

(e) Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to portable signs and awning signs; provided however, that temporary signs specifically allowed under this chapter shall be exempt from this prohibition.

(f) Signs being carried, worn or otherwise displayed by pedestrians representing a business. Provided however, that this does not apply to an activity by a non-profit or civic institution holding a car wash or bake sale, etc., on a private property with permission of the owner. Costumes associated with brand of a company are allowed on the same property of the business (not within the right-of-way) as long as the person in costume is not carrying, wearing or displaying a sign.

(g) Signs with moving parts or flashing or blinking lights.

(h) Video signs.

(i) Balloon or streamers.

(j) Except as expressly allowed by this chapter, any sign on public property except for bench signs, traffic control or dealing with life safety issues. Such sign shall be deemed forfeitable and the city has the right to remove them without liability to the sign owner or other person who placed such signs.

(k) Signs visible from a public right-of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.

- (l) Signs that blend with or can be confused with traffic signals.
- (m) Signs that contain reflective materials.
- (n) Signs that exhibit more than two faces; provided, further, no double face signs shall be permitted if the distance between the back of the faces is at any point greater than twelve inches (12").
- (o) Billboard signs.
- (p) Signs that contain words or pictures of an obscene, indecent or immoral character which could offend public morals or decency.
- (q) Beacon lights.
- (r) Signs that are structurally unsound or that are rendered structurally sound by guy wires or unapproved facing or bracing.
- (s) Signs that obstruct safe and free ingress or egress through a required door, window, fire escape or other exit way.
- (t) Signs, interior and exterior, attached to, suspended from, supported by, placed within, painted on, or in any other fashion affixed on the body of any vehicle or trailer and which are visible from any street or public place, including signs placed in or being carried in the cargo area of a vehicle or trailer, such as truck beds, open trailers, etc., for the purpose of display or advertising.

Provided, however, this prohibition shall not apply to:

- (i) Signs painted on or affixed to the body, but not the windows, of a vehicle which bears current state license tags, or a trailer, which vehicle or trailer is regularly used in the transport of goods or persons, and which signs identify the owner of the trailer or the principal business, products or services of the owner;
- (ii) Bumper plate signs not larger than the size of an official license plate, but not including any sign indicating the vehicle or trailer is for sale or listing means of contacting the owner; and
- (iii) Signs which are required to be affixed to vehicles or trailers by any state, federal or local regulations.

Notwithstanding the foregoing, the owner of a vehicle or trailer who is not regularly engaged in the business of selling such items may affix a sign to any part of such vehicle or trailer indicating that same is for sale, and such shall be a permitted sign when the vehicle is being used for driving or parked incident to ordinary use by the vehicle owner. Established motor vehicle dealers with city business licenses may place signs advertising that such vehicles are for sale within the interior of vehicles located at such dealers' regular places of business.

- (u) Pole and post signs.
- (v) Signs installed, erected, enlarged or structurally altered in violation of the provisions of this chapter.
- (w) Roof signs.

(x) Changeable copy signs (manual and automatic), except as such signs are defined in § 14-2403.

(y) All signs that are not expressly permitted by, or are made illegal by, this chapter or any other ordinance of the City of Millington.

(z) Canopies with backlighting shall not be allowed.

(aa) No sign or advertising structure shall be approved which seeks to advertise a product or business not directly related to the commercial location on which the sign or advertising structure is proposed to be erected or located, except as expressly permitted elsewhere in this chapter.

(bb) Portable signs held by or attached to clothing or costumes.

(cc) Non-sign displays, such as figurines, symbols or logos identified with products sold or used to gain public attention, including but not limited to inflatables.

(2) Portable and flashing signs. (a) Due to the manifest traffic safety hazards, the use of portable and/or flashing signs, with or without changeable copy board attached, are declared a public nuisance and therefore prohibited by this chapter.

(b) Upon written notice by the city to the owner, user or lessee of a flashing sign, such sign shall be removed immediately. Upon failure to comply with this notice, the building official shall cite the sign owner or lessee into the city court. If found in violation, the owner shall be responsible for all costs incurred in removing sign, in addition to any court assessed fees and penalties. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2410. Temporary and conditional signs. (1) Permits required. Except as expressly set out herein, all temporary and conditional business signs must be permitted by the City of Millington and the required permit fee must be paid prior to their installation. Permits shall not be required for temporary window signs, and there shall be no permit fees required for such signs.

(2) Churches, civic organizations, etc. Banners for churches, Bible schools, or other religious or civic group and special activities are allowed provided they are restricted to a fourteen (14) day maximum display time for each special activity or event. Permits will be required for such banners, but no fee will be due.

(3) Opening banners /new product or service banners.

(a) Notwithstanding other provisions of this chapter, a newly established, substantially expanded in floor area (twenty percent (20%) or more) or relocated commercial business, in addition to the sign allotment specified above, may for a period of thirty (30) days display one on-site banner, temporary ground, window or wall sign per street frontage. Each allowed sign shall not exceed thirty (30) square feet in face area. Ground signs shall not exceed six feet (6') in height and shall

be set back from the curb face or edge of pavement no less than 30 feet (30'). For the purposes of this ordinance the opening banner may also include balloons, streamers, flags, pennants, and merchandise for a period not to exceed five (5) days, commencing when the opening banner is first installed. Vehicle mounted signs, flashing signs and portable signs are prohibited.

(b) Notwithstanding other provisions of this chapter, in addition to its lawfully permitted existing sign(s), an established business may have one on-site banner, ground, window or wall sign per street frontage to advertise a new product or service, which may be in place for not more than thirty (30) days. The business may utilize such banners for no more than five (5) temporary new product or service signs per year, provided that the total time for the display of these signs shall not exceed thirty (30) days. Such signs shall comply with the requirements of this chapter as to size and location.

(4) Requirements for banners. Whenever under this chapter a banner is allowed, the following requirements shall apply:

(a) Each allowed banner may be one- or two-sided and must be on the same lot or parcel as the business which is entitled to erect or install such banner. For stand-alone buildings, the banner may be up to three feet by ten feet (3' x 10') in size, not to exceed thirty (30) square feet. For buildings that are part of a multi-tenant commercial complex or strip center, the banner may be up to three feet by five feet (3' x 5') in size, not to exceed fifteen (15) square feet. No business may have more than one (1) banner, and no off-site banners shall be allowed. Each banner erected under the provisions of this ordinance must be at least fifteen feet (15') behind the established street right of way.

(b) In addition to the size limitations, each banner permitted under this chapter must meet the following requirements:

(i) It must be made of flexible vinyl or corrugated plastic;

(ii) It may contain letters, logos and/or numbers, but no pictures or other images are allowed; and

(iii) It must be properly secured at all times, so that it does not hang loose or flap in the wind. Each banner must advertise a special sale, promotion or event, and not just the name and other identifying information of a business.

(c) Before hanging or installing such a banner, the business owner or operator must secure a permit from the City of Millington Department of Planning and Economic Development.

(d) Any banner erected under the provisions of this chapter must be neat and professional-looking, must not be installed on in-ground steel poles or pipes; and must not be composed of plywood signs nailed together. Banners permitted by this ordinance may be installed by attachment to landscape timbers, as secured in-ground posts; or may be

attached between existing building columns, provided the view or passage of pedestrians is not obstructed; or may be attached to building walls or fascia. Banners may be affixed to existing permitted signs and/or sign posts. No banner erected under the provisions of this chapter shall be attached to one or more motor vehicles, or interfere with or block another entity's business sign, or obstruct the safe line of sight for drivers or pedestrians. The proposed placement of all banners will be reviewed for safety and compliance with this chapter by the City of Millington Department of Planning and Economic Development, and the person or business who proposes to erect or install any banner shall comply with the decision of said department.

(e) Any banner which becomes loose, torn, ripped or otherwise in a dilapidated condition must be immediately repaired, replaced or removed. Any banner which advertises a business that is no longer in operation must be immediately removed.

(f) If there is any banner that has not been removed (or if applicable under subsection (e) above, repaired or replaced) within five (5) days after the city delivers notice to the business advertised by such banner that such banner is loose, torn, ripped or otherwise in a dilapidated condition, or that is otherwise not in compliance with this chapter, or if there is any banner that, without the need for notice from the city, has not been removed by the business owner/operator within five (5) days after expiration of the term of the variance granted herein, the city shall have the right to remove and destroy or dispose of any such banner and charge the business for the cost of removal, and in addition, at the city's option, to cite the business owner for violation of this chapter. Each day after delivery of notice, or after expiration of the term of this variance and without notice, that a violation continues shall constitute a separate offense and shall subject the owner of the business advertised by the banner to a fine of up to fifty dollars (\$50.00) per day in addition to the city's cost of removal.

(g) Special Sign Corridor, Babe Howard Avenue. Banners as defined in the previous sections of § 14-2410 shall be permitted within this special sign corridor to advertise special events being held at USA Stadium, including but not limited to Goat Days, major tournaments and other similar events approved by the city. For the purposes of this ordinance the opening banner may also include balloons, streamers, flags, pennants, and merchandise. Vehicle mounted signs, flashing signs and portable signs are prohibited. All other rules for temporary signs shall apply. These banners may be placed for one week prior to the event and during the event. They may be placed on public and private properties with the permission of the owner.

(5) Construction signs. While a subdivision within the City of Millington or its annexation reserve area described in an approved final plat, is

under physical construction, and for a period of sixty (60) days after the completion of construction, there shall be permitted two temporary off-premises signs giving only the name of and directions to the subdivision, which signs shall be no more than sixteen feet (16') in area. The owner may choose to use a single off-premises development sign, in which case the total square footage of thirty two (32) square feet shall be permitted for such sign, with a height of no more than six feet (6'). For purposes of this section, "construction" shall mean construction of the subdivision infrastructure (grading, sewers, water lines, streets, etc.) and shall not mean construction of individual houses within the subdivision. These signs are not permitted for subdivisions outside Millington or its annexation reserve area.

(7) Window signs. Temporary window signs inside of business windows, provided that combination of any permanent window signs and temporary window signs for any business shall not exceed the following provisions:

(a) Temporary window signs shall not occupy more than twenty five percent (25%) of total window openings, with no more than fifty percent (50%) of any individual window covered. Window signs shall not be placed in a manner that would impede the sight of people entering or exiting the premises or emergency personnel.

(b) Where there are permanent window signs, the total window signage of both permanent and temporary window signs shall not exceed twenty five percent (25%) of total window openings, with no more than fifty percent (50%) of any individual window covered. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2411. Illumination. Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zone:

(1) The light for or from any illuminated sign shall be so shaded, shielded or directed that intensity will not be objectionable to surrounding areas, as approved by the planning commission.

(2) No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

(3) No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic-control or traffic safety devices.

(4) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(5) Exposed bulbs shall not be used on the exterior surface of any sign, except when approved by the planning commission.

(6) Neon signs shall not be permitted as building signs, ground signs or as window signs. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2412. Structural requirements. All signs constructed or placed within the city must comply with all current building codes adopted by the city. An electrical permit must be obtained for installation of any sign requiring electrical service or connection. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2413. Inspection, removal and safety. (1) Annual inspection. The City of Millington building official shall make an annual inspection for each permanent business sign displayed in the city to ensure compliance with the provisions of this chapter.

(2) Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Signs not properly maintained shall be deemed in violation of this chapter.

(3) Removal of sign. The city shall give ten (10) days' written notice for the removal of any permanent sign erected or maintained in violation of this chapter. Upon failure to comply with this notice, the city shall issue a summons to the owner into city court. Temporary signs erected or maintained in violation of this chapter may be removed by the city without notice. The city shall remove any sign immediately and without notice if the sign presents an immediate threat to the health, safety, or welfare of the public. Any sign removal shall be at the expense of the owner of the property on which the sign is located.

(4) Obsolete and abandoned signs. (a) Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in existence or use for thirty (30) days, or any sign structure that no longer displays any sign copy for a like period of time, shall be deemed to be obsolete or abandoned. Provided however, if the sign is a legal non-conforming sign the business activity shall have ceased for six (6) months for the sign to be deemed obsolete or abandoned.

(b) Permanent signs applicable to a business whose operations are temporarily suspended because of a change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of thirty (30) days.

(c) Obsolete or abandoned signs are prohibited and shall be removed by the owner of the property, his or her agent or person having the beneficial use of the building or site upon which such sign or sign structure is erected within thirty (30) days after written notification from the city. The wall or face of the building on which the sign(s) was attached shall be repaired or resurfaced, including paint, to restore the wall or face to its original condition prior to installation of the sign(s). In

the event of noncompliance with the aforesaid terms and provisions, the city shall have the authority to issue a citation or court summons to the sign owner and/or lessee into city court. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2414. Old Town. (1) Old Town District Commission/Design Review Committee. Signs on property within the Old Town District must be reviewed and approved by the Old Town District Commission or, if established by the board of mayor and aldermen, the Old Town Design Review Committee, except that the director of economic development and planning may approve the relocation of a sign provided it conforms to this ordinance or prior sign ordinance from one property to another in the Old Town District.

(2) All signs located within the official Old Town District of the City of Millington, with the exception of exempt signs per this chapter, are allowed only after the approval of a certificate of appropriateness is granted by the Millington Old Town District Commission or, if established, the Old Town Design Review Committee; provided, however, that with respect to the relocation of an existing sign in the Millington Old Town District to another building also located within such district, the applicant may seek the approval of same by the Director of Economic Development and Planning ("DEDP"). If relocation of an existing sign is disapproved by the DEDP, the applicant may seek the approval of the Old Town District Commission or, if established, the Old Town Design Review Committee. This review by either the Old Town District Commission/Design Review Committee or the Director of Economic Development and Planning, as applicable, is in lieu of planning commission approval. Signs within the Old Town District are permitted by and in accordance with the Old Town District Ordinance and Old Town District Guidelines and are subject to permit fees established by ordinance. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010)

14-2415. Permits and fees. (1) Permit and fee requirements. (a) Sign and electrical permits required. All permanent signs allowed under this chapter, and such other signs for which a permit is expressly required by this chapter, including existing signs, but except signs that are exempt under § 14-2407, shall require a sign permit and, if applicable, an electrical permit. An electrical permit as required shall be obtained at the same time as the sign permit.

(b) No alteration, etc., without permits. No sign shall be erected, altered or relocated without a sign permit and, if applicable, an electrical permit, except as otherwise provided herein.

(2) Applications. The sign permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawing showing the design, location, materials, finishes and colors of

the sign, and such other pertinent information as the city may require to ensure compliance with this subsection and other requirements of the city. Applications shall be on forms provided by the city.

(3) Sign review and permit fees. (a) The review fee for each sign shall be fifty dollars (\$50.00) and the permit fee for each sign shall be the fees established from time to time by the Memphis and Shelby County Office of Construction Code Enforcement.

(b) A property owner, business occupant, or organization allowed more than one (1) sign shall obtain a separate sign permit and, if required, electrical permit for each sign.

(c) A sign permit shall not be required for cleaning, repainting or other customary maintenance performed periodically to a properly permitted sign.

(d) Any sign with internal or external lighting, including ground lighting, also requires an electrical permit and inspections pursuant to the provisions of the electrical code.

(e) Except to the extent required by the Memphis and Shelby County Office of Construction Code Enforcement, these fees shall not be levied against signs classified as follows:

- (i) Special service station signs;
- (ii) Civic and church signs;
- (iii) Real estate signs;
- (iv) Exempt signs;
- (v) Temporary window signs.

(f) The permit fee for any temporary sign, including banners, shall be twenty-five dollars (\$25.00).

(4) Permit null and void. A sign permit shall become null and void if:

(a) The work for which the permit was issued has not been completed within a period of six months after the date of issuance of the permit;

(b) The sign varies in any respect from either the approved design or the approved location. (as added by Ord. #2010-08, May 2010, replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014, and amended by Ord. #2015-21, Dec. 2015)

14-2416. Administration and penalties. (1) Enforcement. The department of economic development and planning, development services, or other departments or officers of the city designated from time to time by the board of mayor and aldermen, is authorized and directed to enforce all the provisions of this chapter. Upon presentation of proper credentials, the director of economic development and planning or such director's duly authorized representative, such as the codes enforcement officer, may enter at reasonable times any building, structure or premises in the City of Millington to perform any duty imposed upon him or her by this subsection.

(2) Appeals from administrative decisions. The board of zoning appeals shall hear and decide appeals from any order, requirement, decision or determination made by the department of economic development and planning or any other official charged with the responsibility of enforcing the provisions of this chapter, whereby it is alleged in writing that such official or a designee is in error or has acted in an arbitrary manner.

(3) Variances. (a) Authority. The board of zoning appeals has the authority to hear and act upon applications for variances to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this subsection by reasons of unique shape, topography, or physical features of the property.

(b) Purpose of variance. The purpose of the variance is to modify the strict application of the specific requirements of this chapter in the case of exceptional irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application would result in practical difficulty or undue hardship which would deprive an owner of the reasonable use of his land. A variance may only be granted if it will not cause substantial detriment to the public good and will not substantially impair the intent of this chapter.

(c) Standards for sign-related variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) That the particular physical surrounding shape, topographical or location conditions of the specific property or structure involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this subsection were carried out.

(ii) That the conditions upon which the petition for a variance is based would not be applicable, generally, to other property or structure in the same general area.

(iii) That the variance will not authorize signs, sign structures or other sign related activities other than those permitted by this subsection.

(iv) That financial returns alone shall not be considered a basis for granting a variance.

(v) That the alleged difficulty or hardship has not been created by any person having an interest in the sign, sign structure or property after the effective date of this subsection.

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this subsection to other similarly situated lands, structures, signs, sign structures or buildings.

(vii) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure for sign purposes.

(viii) That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the sign is located.

(ix) That the proposed variance will not impair an adequate supply of light and/or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the area.

(x) The board of zoning appeals may, in accordance with procedures set forth in chapter 14 of the city zoning ordinance, vary the allowable sign sizes for ground signs or wall mounted signs, not to exceed ten percent (10%), provided all the other requirements of this chapter and chapter 14 are met.

(3) Penalties. Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum amount permitted by Tennessee law. Each day's continuance of a violation shall be considered a separate offense. Each of the owners of any sign, building or premises, or part thereof, where any matter in violation of this subsection shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

Any person, firm or corporation who violates any provision of this chapter will be issued a citation to be heard in city court, and upon being found in violation, the penalty is fifty dollars (\$50.00) per day or such greater amount as the board of mayor and alderman shall from time to time determine. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

14-2417. Severability. If any section or provision of this chapter should be declared by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity or enforceability of this chapter as a whole, or any part hereof, other than the part so declared to be invalid or unenforceable. (as added by Ord. #2010-08, May 2010, and replaced by Ord. #2010-16, Oct. 2010, and Ord. #2014-8, July 2014)

CHAPTER 25

VETERANS PARKWAY CORRIDOR OVERLAY ZONE

SECTION

- 14-2501. Purpose.
- 14-2502. Corridor boundary.
- 14-2503. General provisions.
- 14-2504. Design guidelines.
- 14-2505. Zoning ordinance standards.
- 14-2506. Adoption and effective date.

14-2501. Purpose. The purpose of this overlay zone is to incorporate the recommendations of the Veterans Parkway Corridor Study and to provide for future orderly and sustainable growth within the corridor along Veterans Parkway. This new roadway has opened vacant land for development. The Veterans Parkway Corridor Study is a component of a comprehensive plan and has been adopted by the Millington Planning Commission and board of mayor and aldermen as a guide for development within this defined area. (as added by Ord. #2105-17, Sept. 2015)

14-2502. Corridor boundary. The boundaries of the Veterans Parkway area are shown on Attachment A to this chapter.¹ (as added by Ord. #2105-17, Sept. 2015)

14-2503. General provisions. The Veterans Parkway Corridor Study (corridor study) shall serve as a general guide for development within this corridor.

(1) Existing and proposed land uses shall be consistent with the recommendations of the land use plan, Figure 6 of the corridor study.

(2) Residential areas shall contain full urban improvements, such as curb and gutter, sidewalks and street lighting. Clustering of the homes are encouraged so that natural resources can be protected and amenities provided.

(3) Mixed use areas have been established to provide an integration of residential, professional office and limited neighborhood commercial development. Developments are intended to be connected by pedestrian and vehicular systems to surrounding neighborhoods, parks and greenways. Additionally, they should be connected to neighborhood scale retail, commercial, professional offices and other support services. (as added by Ord. #2105-17, Sept. 2015)

¹Attachment A appears at the end of this chapter.

14-2504. Design guidelines. Specific guidelines for the development of the areas within the corridor have been established in the corridor study. These are provided in section IV, development recommendations of the corridor study. Six (6) specific examples of typical development and guidelines proposed for the various areas within the overlay boundary have been provided and are made a part of this ordinance as Attachment B-1 and B-2.¹ Guidelines for building development are provided in section V, general architectural guidelines of the corridor study. (as added by Ord. #2105-17, Sept. 2015)

14-2505. Zoning ordinance standards. The zoning ordinance requirements are applicable to all portions of the corridor area. However, they may be modified as provided in the ordinance under the provisions of the PRD, Planned Residential District and the MUPD, Mixed Use Planned Development District. These districts provide for modification of certain setback and other standards through the approval of overall development plans of larger tracts and areas. In addition, there are specific front setback modifications within this overlay zone that apply to all properties within the corridor. These only apply to the building front yard and are subject to site plan approval of the planning commission as provided in the ordinance. The minimum front yard setbacks within the Veterans Parkway Corridor are:

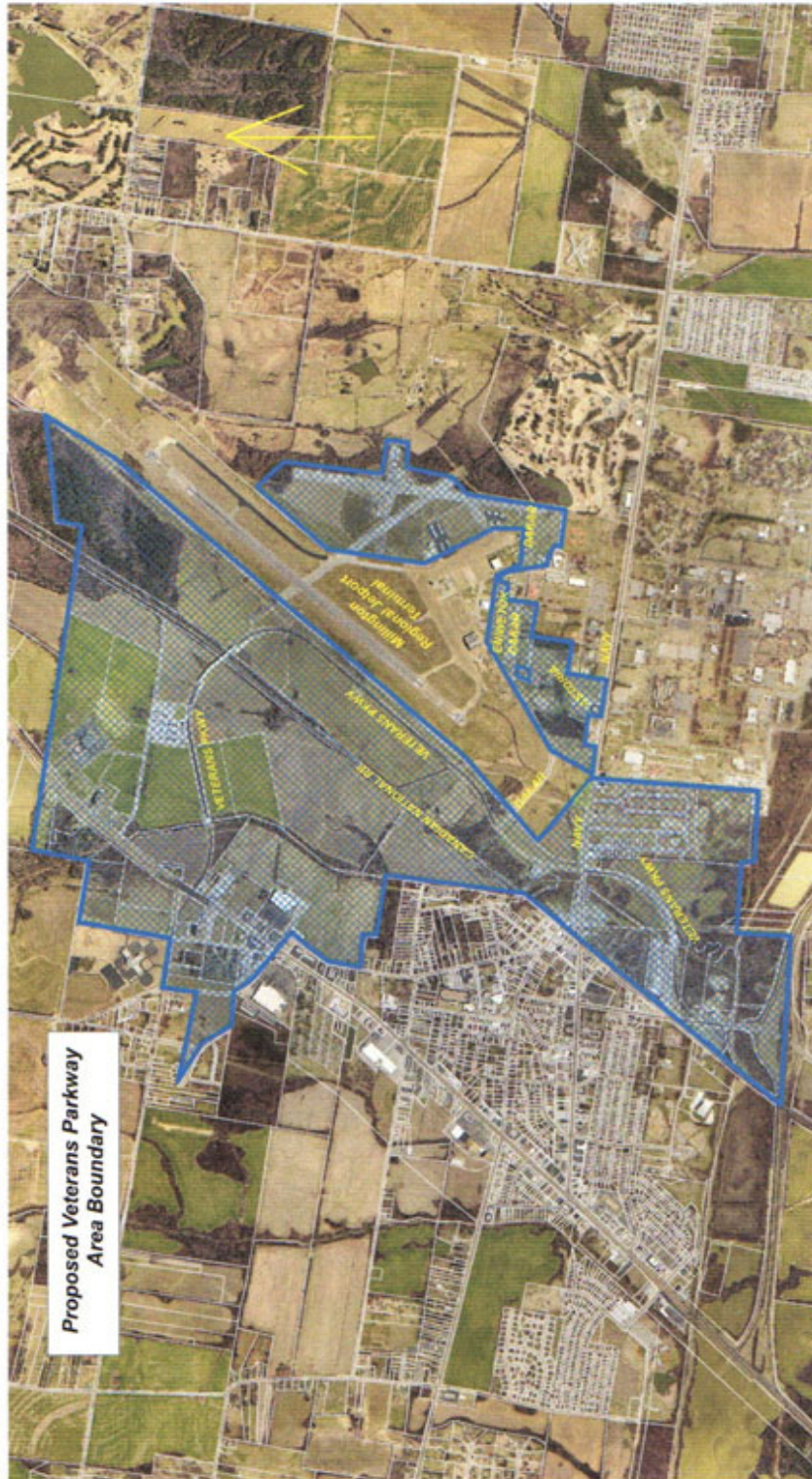
<u>Zoning District</u>	<u>Minimum Front Yard Setback</u>
R-4 Residential (applies only to Townhouse use)	0 feet
B-1 Neighborhood Commercial	10 feet
B-2 General Commercial	10 feet
P-C Planned Commercial	10 feet
O Office	10 feet
M-1 Light Industrial	20 feet
M-2 General Industrial	30 feet

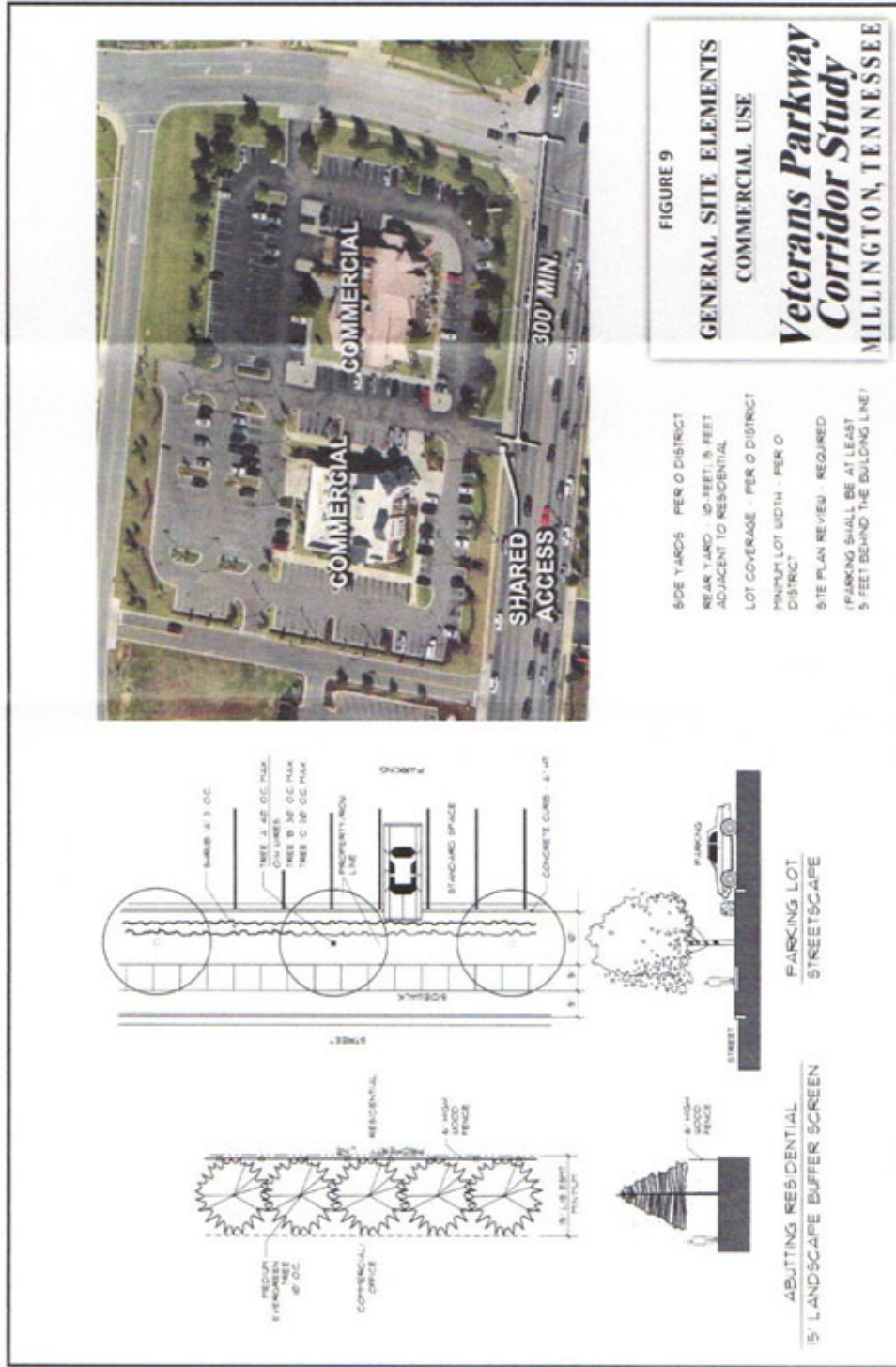
All other requirements of the zoning ordinance are applicable unless they are further modified under a planned residential development or mixed use planned development. (as added by Ord. #2105-17, Sept. 2015)

14-2506. Adoption and effective date. The Veterans Parkway Overlay Zone shall be established and in effect upon recommendation for approval by the Millington Planning Commission and adoption as an ordinance by the Millington Board of Mayor and Aldermen. (as added by Ord. #2105-17, Sept. 2015)

¹These attachments appear at the end of the chapter.

Attachment A, Veterans Parkway Corridor Boundary







CHAPTER 26

ENTERTAINMENT RECREATION DISTRICT

SECTION

14-2601. Purpose.

14-2602. E-R entertainment recreation district.

14-2603. Adoption and effective date.

14-2601. Purpose. The purpose of this district is to provide for the development of public and/or privately owned recreational areas that provide a high level of recreational entertainment than is normally found in a public park. These activities are further described in § 14-2602 below and are made available to the general public with an entry fee. The specific purpose of this district is to provide land for a water park, defined as: An amusement park with facilities (such as pools and wetted slides) for primarily aquatic recreation. The use is normally a large outdoor area with aquatic rides, shows, refreshments and food service and other entertainment. (as added by Ord. #2019-13, May 2019 *Ch16_6-29-20*)

14-2602. E-R entertainment recreation district. Within the areas designed for E-R on the Zoning Map of the City of Millington, Tennessee, the following provisions shall apply:

- (1) Uses permitted. (a) Lakes and pools with water slides.
 - (b) Lazy rivers.
 - (c) Ropes courses.
 - (d) Ziplines.
 - (e) Wake boarding lakes and areas.
 - (f) Entrance buildings and gift shops.
 - (g) Event buildings and assembly areas.
 - (h) Restaurants and snack areas.
 - (i) Other similar uses as may be requested and approved by the Millington Planning Commission.

Note: All uses are subject to site plan approval by the planning commission as provided in § 14-1201 of this chapter.

- (2) Minimum lot area: Twenty-five (25) acres.
- (3) Minimum lot width: Two hundred feet (200').
- (4) Minimum lot front yard: Fifty feet (50').
- (5) Minimum lot side yard: Three-hundred feet (300') where the use is adjacent to single family residential, and twenty five feet (25') in all other locations.

- (6) Minimum rear yard: Three-hundred feet (300') where the use is adjacent to single family residential use, and twenty five feet (25') in all other locations.
- (7) Maximum height: All structures shall not exceed thirty-five feet (35').

This limitation shall not apply to flagpoles, antennas and towers required for ziplines or waterslides provided they comply with the provisions of all pertinent codes and ordinances and provided they are located a distance equal to their height plus ten feet (10') from the nearest property line adjacent to residential.

All buildings and structures located within the horizontal zone of any airport runway shall be subject to the regulations pertaining to such approach zone.

(8) Accessory buildings. Accessory buildings are permitted subject to all setbacks and requirements set forth in this section and are also subject to site plan review as provided in § 14-1201.

(9) Parking requirements. One (1) space for each four (4) customers at maximum capacity.

(10) Sign regulations. The sign regulations shall be the consistent with chapter 24 of the zoning ordinance, § 14-2402. Sign requirements for commercial businesses. (as added by Ord. #2019-13, May 2019 *Ch16_6-29-20*)

14-2603. Adoption and effective date. The entertainment recreation district shall be established and in effect upon recommendation for approval by the Millington Planning Commission and adoption as an ordinance by the Millington Board of Mayor and Aldermen. (as added by Ord. #2019-13, May 2019 *Ch16_6-29-20*)

CHAPTER 27**FIREWORKS SALES OVERLAY DISTRICT****SECTION**

14-2701. Purpose.

14-2702. FW--fireworks sales overlay district.

14-2703. Adoption and effective date.

14-2701. Purpose. The purpose of this district is to provide land area for the temporary sales of fireworks consistent with the requirements and conditions of the City of Millington Fireworks Ordinance and any other conditions that may be deemed appropriate by the planning commission and board of mayor and aldermen. For the purposes of this chapter, the FW district shall represent an overlay zoning of the B-2, general commercial district and the P-C, planned commercial district that permits temporary fireworks sales in addition to all other permitted uses as shown on Chart 1, Permitted Uses. The following restrictions shall apply. (as added by Ord. #2019-12, May 2019 *Ch16_6-29-20*)

14-2702. FW--fireworks sales overlay district. (1) Submittal requirements. A site concept plan shall be submitted, drawn to scale, showing the location of all structures and storage trailers on the property, parking areas, storage facilities, etc. The concept plan must include the dimensions of the property and the exact location of all structures, including the distances between structures and property lines and other structures. Indicate where electrical service is to be provided. Provide information on the type of temporary structure that will be provided. All fabric tents shall be fire retardant treated or classified as noncombustible.

(2) Site design. All structures shall conform to the setbacks of the underlying zoning. All storage shall be located at the rear of the site. All storage must be located a minimum of fifty feet (50') from the sales structure.

(3) Access and parking. (a) A minimum of ten (10) parking spaces must be provided and one (1) shall be accessible in accordance with the Millington Zoning Ordinance. The parking areas shall be gravel as a minimum. There shall be no parking on the grass or other vegetated areas to avoid a fire hazard.

(b) All new drives shall be located as approved by the planning commission and shall be approved by the State of Tennessee if the facility is located on a state route.

(c) No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic shall be permitted.

(4) Restroom. Each fireworks stand must provide a portable restroom if there are not restrooms available on the site.

(5) Signs and banners. There shall be no more than one (1) sign or banner located on or attached to the fireworks stand or tent. The banner or sign attached to the tent or stand shall not exceed two hundred (200) square feet. No fireworks sales signage is permitted on a trailer located on the site. In addition, one (1) ground sign shall be permitted for each fireworks stand, provided it is located at least fifteen feet (15') from the street right-of-way. The ground sign shall not exceed thirty-two (32) square feet or eight feet (8') in height.

Flashing lights of any type are not permitted. No inflatable objects or other signs of any kind are permitted on the site or on any storage containers. (as added by Ord. #2019-12, May 2019 *Ch16_6-29-20*)

14-2703. Adoption and effective date. The fireworks sales overlay district shall be established and in effect upon recommendation for approval by the Millington Planning Commission and adoption as an ordinance by the Millington Board of Mayor and Aldermen. (as added by Ord. #2019-12, May 2019 *Ch16_6-29-20*)