

TITLE 14

ZONING AND LAND USE CONTROL

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
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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. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and an alderman 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 without compensation. The terms of the mayor and the alderman selected by the board of mayor and aldermen shall run concurrently with their terms of office. The terms of the five (5) members appointed by the mayor shall be for five (5) years each, with the term of one (1) member ending each year. The mayor, at the first regular meeting after the adoption of the provisions in this section, in order to carry out the provisions of this section, shall designate the expiration dates of the terms of the members presently serving on the planning commission, and extend those terms accordingly, so the terms of one (1) member will end each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1972 Code, § 11-101, as replaced by Ord. #943, Sept. 2001)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1972 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1972 Code, § 11-103)

CHAPTER 2

ENACTMENT

SECTION

- 14-201. Authority.
- 14-202. Title.
- 14-203. Purpose.
- 14-204. Enactment.
- 14-205. Repeal.

14-201. Authority. 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 City of Manchester, 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 for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned development; 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 this ordinance and for the official, whose duty it shall be to enforce the provisions thereof; and to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations. (1972 Code, § 11-201)

14-202. Title. Chapters 2-9 of this title shall be known as the Zoning Ordinance of Manchester, Tennessee, dated February 16, 1993. The zoning map shall be referred to as the Official Zoning Map of Manchester, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this title (1972 Code, § 11-202)

14-203. Purpose. The purpose of this zoning ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- (1) Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- (2) Preventing overcrowding of land.
- (3) Conserving the value of land and buildings.
- (4) Minimizing traffic hazards and congestions.
- (5) Preventing undue concentration of population.
- (6) Providing for adequate light, air, privacy, and sanitation.

- (7) Reducing hazards from fire, flood, and other dangers.
- (8) Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- (9) Encouraging the most appropriate uses of land.
- (10) Enhancing the natural, man-made and historical amenities of Manchester, Tennessee. (1972 Code, § 11-203)

14-204. Enactment. Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building. (1972 Code, § 11-204)

14-205. Repeal. The existing Zoning Ordinance of Manchester, Tennessee, October 1, 1985, as amended, is hereby repealed. The adoption of this zoning ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this zoning ordinance. (1972 Code, § 11-205)

CHAPTER 3

DEFINITIONS

SECTION

14-301. Scope.

14-302. Definitions.

14-303. Use classification system.

14-301. Scope. For the purpose of this zoning ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

(1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The word "shall" is mandatory.

(4) The word "may" is permissive.

(5) The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied."

(6) The word "lot" includes the words "plot" or "parcel." (1972 Code, § 11-301)

14-302. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this zoning ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

(1) "Access." The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

(2) "Accessory building or structure." A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

(3) "Accessory use." A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

(3.1) "Adult oriented business." Any business as defined by Tennessee Code Annotated, §§ 7-51-1101 through 7-51-1121.

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

(5) "Advertising sign or structure." See sign.

(6) "Agriculture use." The use of a tract of land five (5) acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of Coffee County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agriculture use nor shall the commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries.

(7) "Agricultural accessory use." Those structures or equipment which are normally required in the operation of agricultural uses.

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

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

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

(11) "Attached." An enclosure having continuing walls, roof and floor.

(12) "Automobile wrecking." The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

(13) "Average ground elevation." The elevation of the mean finished grade at the front of a structure.

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

(15) "Board." The Manchester, Tennessee Board of Zoning Appeals.

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

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

(18) "Building area of a lot." That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

(19) "Building commissioner." The zoning codes officer or his authorized representative appointed by the Manchester Board of Mayor and Aldermen.

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

(21) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

(22) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

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

(24) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

(25) "Bulk." Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

(26) "Camping ground." A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

(27) "City board." The Manchester Board of Mayor and Aldermen.

(28) "Clinic." See medical facility.

(29) "Conditional use (special exception)." A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this zoning ordinance. For the purposes of administration of this zoning ordinance, conditional uses shall be construed as

synonymous with special exceptions, as controlled by Tennessee Code Annotated, § 13-7-107.

(30) "Convenience sales." The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

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

(32) "Country club." A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

(33) "Coverage." The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

(34) "Day care home or center." Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

(35) "Development." Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

(36) "Dwelling." A building or part thereof used as a habitation under one of the following categories:

(a) "Single detached dwelling" means a building and accessories thereto principally used, designed, or adapted for use by a single household.

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

(c) "Multi-family apartment or dwelling" means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

(d) "Rooming house" means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

(e) "Boarding house" means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

(f) "Town house" means a residential structure containing three (3) or more nondetached dwelling units separated by a common vertical wall.

(g) "Condominium" means an apartment building or townhouse containing three (3) or more dwelling units separated by a common vertical wall.

(h) "Mobile home dwelling" means a detached one-family dwelling with all the following characteristics:

(i) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

(ii) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels.

(iii) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(i) "Prefabricated dwelling" means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this zoning ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

(37) "Family." One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (expecting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this zoning ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the

mentally retarded or physically handicapped persons residing in the house. (See Tennessee Code Annotated, title 13, chapter 24.)

(38) "Floor area." The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

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

(40) "Gasoline service station." Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

(41) "Grade, finished." The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

(42) "Health department." The Coffee County Department of Health and Environment.

(43) "Height of building or structures." The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

(44) "Home occupation." See § 14-509.

(45) "Hospital." See medical facilities.

(46) "Junk yard or salvage yard." A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

(47) "Landscaping." The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

(48) "Landholder." The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this zoning ordinance.

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

(50) "Lot." A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this zoning ordinance.

(51) "Lot, area." The total surface land area included within lot lines.

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

(53) "Lot, depth." The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

(54) "Lot, frontage." That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

(55) "Lot, interior." A lot other than a corner lot.

(56) "Lot lines." The boundary dividing a given lot from the street, an alley or adjacent lots.

(57) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

(58) "Lot width." Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirements shall not apply.

(59) "Marina." A facility for the docking and servicing of boats.

(60) "Medical facilities."

(a) "Convalescent, rest or nursing home." A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

(b) "Dental clinic or medical clinic." A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

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

(d) "Public health center." A facility utilized by a health unit for the provision of public health services.

(61) "Mobile home park." Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

(62) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of this zoning ordinance which does not conform to the regulations of the district in which it is located.

(63) "Noxious matter." Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

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

(65) "Owner." Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

(66) "Parking lot." An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

(67) "Parking space." An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

(68) "Planned development." A relatively large, interrelated commercial development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

(69) "Planning commission." The Manchester Regional Planning Commission.

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

(71) "Principal use." The specific primary purpose for which land or a building is used.

(72) "Professional office." The office of a physician, dentist, attorney, architect, engineer, planer, accountant, or similar professions.

(73) "Public uses." Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

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

(75) "Sanitary landfill." An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Environment and Conservation.

(76) "Shopping Center." A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

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

(a) "Business sign." A sign which directs attention to the business or profession conducted on the premises.

(b) "Billboards." A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

(c) "Flashing sign." Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

(d) "Ground sign." A sign supported by a pole, uprights, or braces on the ground.

(e) "Illuminated sign." A sign designed to give forth any artificial light or reflect such light from an artificial source.

(f) "Indirect illumination sign." Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

(g) "Off-premises sign." A sign relating to a product, service, or establishment that is not on the premises on which the sign is located (h)

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

(i) "Pole sign or banjo sign." A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service situations.

(j) "Wall or flat sign." Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

(k) "Roof sign." A detached sign supported upon the roof or wall of a building.

(l) "Marquee sign." A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

(m) "Temporary sign." Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

(78) "Special exception." A use which is specifically permitted if the owner can demonstrate to the satisfaction on the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

(79) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

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

(81) "Toxic materials." Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

(82) "Travel trailer." A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

(83) "Travel trailer park." A plot of land designed and equipped to accommodate travel trailers for short periods of time.

(84) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

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

(86) "Yard, front." The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

(87) "Yard, rear." The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

(88) "Yard, side." The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard. (1972 Code, § 11-302, as amended by Ord. #807, Jan. 1998; and Ord. #873, March 2000)

14-303. Use classification system. The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the board of zoning appeals shall make the determination based upon the characteristics of the unlisted use.

(1) Listing of activity classifications. All activities are hereby classified into the following activity types:

- (a) Residential activities.
 - (i) Permanent
 - Dwelling, single detached
 - Dwelling, duplex
 - Dwelling, mobile home
 - Dwelling, multi-family
 - Mobile home park
 - (ii) Semi-permanent
 - Boarding house
 - Rooming house
- (b) Community facility activities.
 - Administrative
 - Community assembly
 - Community education
 - Cultural and recreation services

- Essential service
- Extensive impact
- Health care
- Intermediate impact
- Personal and group care facilities
- Religious facilities
- (c) Commercial activities.
 - Animal care and veterinarian services
 - Automotive parking
 - Automotive service and repair
 - Building materials and farm equipment
 - Consumer repair services
 - Construction sales and services
 - Convenience commercial
 - Entertainment and amusement services
 - Financial, consulting, and administrative
 - Food and beverage service
 - Food service - drive-in
 - General business and communication services
 - General personal service
 - General retail trade
 - Group assembly
 - Medical and professional services
 - Transient habitation
 - Transport and warehousing
 - Undertaking services
 - Vehicular, craft, and related equipment sales, retail and delivery
 - Wholesale sales
- (d) Manufacturing activities.
 - Limited
 - Intermediate
 - Extensive
- (e) Agricultural, resources production, and extractive activities.
 - Agricultural services
 - Crop, animal and poultry raising
 - Mining and quarrying
 - Plant and forest nurseries
 - Commercial feed lots and stockyards

(2) Accessory uses. In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

(3) Residential activities. (a) Permanent residential. The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this zoning ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling, single detached

Dwelling, duplex

Dwelling, mobile home

Dwelling, multi-family (apartment, townhouse)

Mobile home park

(b) Semi-permanent residential. The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit-types as defined by this zoning ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding house

Rooming house

(4) Community facility activities. (a) Administrative services. The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, county, state, and federal offices

Civil defense facilities

Court buildings

Fire department facilities

Police department facilities

Post offices

(b) Community assembly. The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, social, fraternal, and philanthropic associations

Private (nonprofit) clubs, lodges, meeting halls, and recreation centers

Temporary nonprofit festivals

(c) Community education. The activities typically performed by the following institutions:

Public and private nursery schools

Kindergarten, primary and secondary schools

(d) Cultural and recreational services. The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art galleries

Libraries

Museums

Parks, playgrounds, and playfields

Planetariums and aquariums

Recreational centers and gymnasiums

Swimming pools and beaches

Zoological and botanical gardens

(e) Essential services. Includes the maintenance and operations of the following installations:

Electrical and gas substations

Electrical, gas, water, and sewer distribution and collection lines

Pumping facilities for water and sewer systems

Rights-of-way for transportation modes

Telephone switching facilities

(f) Extensive impact facilities. The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, air cargo terminals, heliports, or other aeronautical devices

Correction and detention institutions

Electricity generating facilities and transmission lines

Garbage incineration plants, including cogeneration facilities; sanitary landfills

Major fuel transmission lines and facilities

Major mail processing centers

Mail installations

Public and private utility corporations and truck yards, including storage yards

Railroad yards and other transportation equipment marshalling and storage yards

(g) Health care facilities. Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

- Centers for observation or rehabilitation
- Convalescent homes
- Hospitals
- Medical clinics

(h) Intermediate impact facilities. The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations.

- Cemeteries, columbariums, and mausoleums
- Colleges, junior colleges, and universities, but excluding profit-making business schools
- Commercial boat docks, marinas, and yacht clubs
- Golf courses
- Water storage facilities, water and sewage treatment plants
- Radio and TV transmission facilities
- Country clubs

(i) Personal and group care facilities. The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

- Associations for physically or mentally handicapped persons
- Day care centers
- Group homes for physically or mentally handicapped persons
- Nursing homes
- Retirement or rest homes
- Orphanages

(j) Religious facilities. The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

- Chapels
- Churches
- Convents or monasteries
- Sanctuaries
- Synagogues
- Temples

(5) Commercial activities. (a) Animal care and veterinarian services. Include the provision of animal care, treatment, and boarding services.

Veterinarian clinics and kennels

(b) Automotive parking. Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

Auto parking lots

Parking garages

(c) Automotive services and repair. Includes the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto cleaning and repair services

Auto glass repair and replacement shops

Auto inspection and diagnostic services

Auto paint shops

Auto towing services

Car washes

Gasoline, fuel, and oil sales and service

Radiator and muffler shops

Tire retreading and repair shops

Wheel alignment and transmission repair shops

(d) Building materials and farm equipment. Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

Farm equipment and supplies

Feed milling and sales

Heating, plumbing, and electrical supplies

Lumber and other building material dealers

Retail nurseries, lawn and garden supply stores

Seed storage and sales

(e) Consumer repair services. Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

Blacksmith shops

Electrical repair shops

Gunsmith shops

Instrument repair shops

Locksmith shops

Office equipment cleaning and repair

Reupholstery and furniture repair

Saddlery repair shops

Watch, clock, and jewelry repair

Lawn mower repair shop

(f) Construction sales and services. Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

Builder's hardware

Carpentering contractors

Concrete contractors

Excavation contractors

General building contractors

Glazing contractors

Highway and street construction contractors

Masonry, stonework, tile setting, and plastering contractors

Painting, paper hanging and decorating services

Plumbing, heating, and electrical contractors

Roofing and sheet metal contractors

(g) Convenience commercial. Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber shops

Beauty shops

Drug stores

Fruit and vegetable markets

Grocery stores

Hardware store (no outside storage)

Laundry and dry cleaning pick-up stations

Liquor stores

News stands

Self-service gasoline pumps

Tobacco shops

(h) Entertainment and amusement services. Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as community facility activities, to assembled groups of spectators or participants.

Art galleries (commercial)

Batting and golf driving ranges

Bowling alleys and billiard parlors

Coin operated amusement arcades

Dance halls and studios

Exhibition halls and auditoriums

Recording and TV production services

Skating rinks

Theaters

Theatrical producers, bands, orchestras, and entertainers

(i) Financial, consulting, and administrative services. Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as community facility activities, medical and professional service, or business and communication services). These also include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this zoning ordinance.

Agricultural credit institution

Banking and bank-related functions

Credit unions

Holding and investment organizations

Insurance carriers, agents, brokers, and service

Money management and investment offices

Real estate brokers, managers and appraisers

Rediscount and financial institutions for credit agencies other than banks

Savings and loan associations

Securities commodities, brokers, dealers, and exchanges

Title offices

(j) Food and beverage service. Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants

Taverns

(k) Food service drive-in. Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

Drive-in restaurants

Fast food restaurants with drive-thru service

(l) General business and communication services. Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising agencies and services

Commercial cleaning services

Commercial testing laboratories

Communications services

Radio and television; broadcasting studios
 Telegraph offices and message centers
 Telephone exchanges and relay towers
 Television and recording production studios
 Computer and data processing services
 Credit reporting, adjustment, and collection agencies
 Detective agencies and protective services
 Drafting services
 Employment, personnel, and temporary help services
 Exterminating services
 Interior decorator and consulting services
 Mailing, reproduction, and commercial art services
 Management, consulting, and public relations services
 Membership organizations
 Automobile clubs
 Better business bureaus
 Chamber of commerce
 Labor unions
 Political organizations
 Professional associations
 News syndicates
 Photofinishing services
 Research and development laboratories
 Trading stamp services
 Travel agencies
 Vehicular and equipment rental and leasing services

(m) General personal services. Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities to not include the storage or sale of goods or chattel unless otherwise permitted herein.

Catering services
 Laundry, cleaning, and garment services
 Miscellaneous personal services
 Clothing rental agencies
 Health spas
 Photographic studios
 Shoe repair and hat cleaning shops
 Special training and schooling services
 Art and music schools
 Barber and beauty schools
 Business schools

Dancing schools/exercise studios

Driving schools

(n) General retail trade. Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

Antique and second hand merchandise stores

Automotive parts (no exterior storage)

Book and stationery stores

Camera stores

Candy, nut and confectionery stores

Children's and infant's stores

Dairy products stores

Department stores

Drapery, curtain, and upholstery stores

Drug stores and proprietary stores

Family clothing stores

Floor covering stores

Florists

Fruit stores and vegetable markets

Furniture stores

Furriers and fur shops

Gift shops

Grocery stores

Hardware stores

Hobby, toy, and game stores

Household appliance stores

Jewelry stores

Liquor stores

Luggage shops

Meat and seafood markets

Men's and boy's clothing and furnishing stores

Miscellaneous apparel and accessory stores

 Bathing suit stores

 Custom tailors

 Sports apparel stores

 Uniform stores

Miscellaneous general merchandise stores

 Direct selling organizations

 Mail order houses

Miscellaneous home furnishings stores

 Bedding and linen stores

 Cookware stores

 Cutlery stores

Glassware and china shops
 Lamp and shade shops
 Paint and wallpaper stores

Music stores
 News stands
 Radio and television stores
 Retail bakeries
 Sewing and piece goods stores
 Shoe stores
 Sporting goods stores
 Tobacco shops
 Variety stores
 Women's accessory and specialty stores
 Women's ready-to-wear store

(o) Group assembly. Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as community facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement parks
 Commercial camp grounds
 Commercial resorts
 Commercial sports arenas and playing fields
 Drag strips
 Race tracks (auto, motorcycle, dog, and horse)

(p) Medical and professional services. Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, auditing, and bookkeeping services
 Artist studios (excluding commercial artists)
 Attorneys and law offices
 Chiropractor offices
 Consulting services
 Dental offices and laboratories
 Educational and scientific research services
 Engineering and architectural services
 Optometrists
 Physicians' offices and clinics (out patient services)
 Physiologists and psychotherapists
 Songwriters and music arrangers
 Urban planning services
 Writers and lecturers

(q) Transient habitation. Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels

Motels

Tourist courts

(r) Transport and warehousing. Includes the provision of warehousing, storage, freight, handling, shipping, and trucking services.

Bus and truck maintenance and repair

Food lockers

General warehousing

Household goods storage

Packing and creating services

Railroad, bus and transient terminals

Refrigerated warehousing

Truck terminals freight handling services

(s) Undertaking services. Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and crematory services

(t) Vehicular, craft, and related equipment. Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and motor dealers

Mobile home dealers

Motor vehicle dealers

Motorcycle dealers

Recreational vehicle and utility trailer dealers

(u) Wholesale sales. Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, piece goods, and notions

Beer, wine and distilled alcoholic beverages

Chemicals and allied products

Drugs, drug proprietaries, and sundries

Electrical goods and appliances

Farm products raw materials

Farm supplies

Furniture and home furnishings

Groceries and related products

Hardware, plumbing, and heating equipment and supplies

Lumber and other construction materials
 Machinery, equipment, and supplies
 Metals and minerals
 Motor vehicles and automatic parts and supplies
 Paper and paper products
 Petroleum and petroleum products
 Sporting, recreational, photographic, and hobby goods
 Tobacco and tobacco products
 Toys and supplies

(v) Adult entertainment establishments. Includes all "adult oriented businesses" and activities defined by this chapter. This grouping includes all facilities wherein material is presented or exhibited which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this chapter, and for observation by patrons at any of the following:

Adult arcade
 Adult bookstore
 Adult mini-motion picture theater
 Adult motion picture theater

(6) Manufacturing activities. Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

(a) Limited manufacturing activities. Include the following operations.

(i) The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and accessories
 Art objects
 Bakery goods
 Beverages (nonalcoholic)
 Dairy products
 Instruments for scientific, medical, dental, engineering,
 and other professional purposes
 Optical instruments and lens
 Printed matter
 Signs

(ii) Activities and operations which include the following:
 Book binding
 Data processing service
 Photocopying
 Photoengraving
 Precision machining of dies, jigs, and fixtures

Printing
 Publishing
 Record pressing
 Upholstering
 Welding

(b) Intermediate manufacturing activities. Include the following:

(i) The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

Cotton seed oil
 Explosives
 Fireworks
 Organic fertilizers

(ii) Other activities and operations, except for the following:

Abrasive, asbestos, and nonmetallic mineral processing
 Arsenals
 Asphaltic cement plants
 Atomic reactors
 Automobile wrecking yards, scrap and waste materials
 Cement and/or concrete plants
 Chemical manufacturing in excess of one (1) ton per day
 Cotton ginning
 Fat rendering
 Foundries
 Grain milling
 Junk yards
 Offal processing
 Ore reduction
 Paper mills
 Petroleum refining
 Pulp manufacturing
 Rolling and finishing of ferrous materials
 Slaughtering of animals
 Smelting and refining of metals and alloys
 Steel works (other than those listed)
 Tanning

(c) Extensive manufacturing activities. Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

Arsenals
 Atomic reactors
 Explosives manufacturing and storage

Fireworks manufacturing
 Hazardous wastes storage and/or transfer
 Radioactive waste handling
 Solid waste landfills
 Solid waste processing and recycling
 Waste incinerators, including hospital and medical waste

The above exceptions may be defined to be included within the extensive manufacturing classification only after proper review by the board of appeals.

(7) Agricultural, resources production, and extractive activities.

(a) Agricultural services. Include various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

Crop drying, storage, and processing
 Crop planting, cultivating and protection services
 Horticultural services
 Soil preparation services
 Riding stables
 Livery stables

(b) Commercial feed lots and stockyards. Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

(c) Crop and animal raising. Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies
 Farms
 Raising of plants, animals, and fish
 Truck gardens

(d) Mining, drilling and quarrying. Includes drilling operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical fertilizer and nonmetallic mineral mining
 Clay, ceramic, and refractory minerals
 Coal mining
 Crude petroleum and natural gas production
 Metal ore and mineral mining
 Sand and gravel quarrying
 Stone quarrying

(e) Plant and forest nurseries. Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

Forest nursery

Plant nursery

(1972 Code, § 11-303, as amended by Ord. #873, March 2000)

CHAPTER 4

GENERAL PROVISIONS

SECTION

- 14-401. Scope.
- 14-402. Only one (1) principal structure on any lot.
- 14-403. Lot must abut a public street.
- 14-404. Reduction in lot area prohibited.
- 14-405. Rear yard abutting a public street.
- 14-406. Corner lots.
- 14-407. Future street line.
- 14-408. Obstruction to vision at street intersection prohibited.
- 14-409. Access control.
- 14-410. Accessory use regulations.
- 14-411. Buffer strips.

14-401. Scope. 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. (1972 Code, § 11-401)

14-402. Only one (1) principal structure on any lot. Only one (1) principal structure and its accessory structures may hereafter be erected on any lot. This provision does not prohibit planned development complexes as permitted under § 14-620(1), of this title, multi-family dwellings or mobile home parks. (1972 Code, § 11-402)

14-403. Lot must abut a public street. No building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least fifty (50) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street at least forty (40) feet. (1972 Code, § 11-403)

14-404. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure. (1972 Code, § 11-404)

14-405. Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1972 Code, § 11-405)

14-406. Corner lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. (1972 Code, § 11-406)

14-407. Future street line. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Manchester major thoroughfare plan. (1972 Code, § 11-407)

14-408. Obstruction to vision at street intersection prohibited. In all districts, on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining walls. (1972 Code, § 11-408)

14-409. 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:

(1) A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage.

(2) There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

(3) No point of access shall be allowed within twenty (20) feet of the curb line (or road line when there is no curb) of a public intersection.

(4) No curbs on city streets or rights-of-way shall be cut or altered without approval of the Manchester City Street Superintendent, or if a state

highway, a permit must be obtained from the Tennessee Department of Transportation.

(5) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.

(6) Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1972 Code, § 11-409)

14-410. Accessory use regulations. The use of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

(1) Be customarily incidental to the principal use established on the same lot.

(2) Be subordinate to and serve such principal use.

(3) Be subordinate in area, intent, and purpose to such principal use.

(4) Contribute to the comfort, convenience, or necessity of users of such principal use.

(5) The number, size and maximum coverage area for each individual accessory structure and the total of all accessory structures shall be determined by the ordinance and regulation provisions applicable to each zone or district. If freestanding, they shall be located in the rear yard in relation to the principal structure on any zone lot. (1972 Code, § 11-410, as amended by Ord. #1314, Nov. 2011)

14-411. Buffer Strips. Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than twenty-five (25) feet in width at the point of abutment. The buffer strip shall be no less than twenty-five (25) feet.

Furthermore, there shall be installed around the rear of all drive-in restaurants, a four (4) foot fence designed to catch all litter or trash generated on the site, unless specific conditions deem otherwise as determined in a hearing by the board of zoning appeals.

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.

In addition to landscaping provisions described above, fences or walls may be used to supplement or replace the required buffer strips. These fences shall

be constructed of wood, brick, stone, metal or plastic in character with the surrounding residential area. In addition to the fences or walls required as buffers, visual screens of similar material are required around outdoor storage areas (this provision does not apply to outdoor display areas of goods commonly sold outside). All fences or walls constructed as a buffer or screen must be approved by the planning commission prior to construction. (1972 Code, § 11-411, as amended by Ord. #818, May 1998)

CHAPTER 5

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 14-501. Off-street parking requirements.
- 14-502. Certification of minimum parking requirements.
- 14-503. Combination of required parking spaces.
- 14-504. Remote parking spaces.
- 14-505. Extension of parking area into a residential district.
- 14-506. Requirements for design of parking lots.
- 14-507. Off-street loading and unloading requirements.
- 14-508. Temporary use regulations.
- 14-509. Home occupations.
- 14-510. Gasoline service station restrictions.
- 14-511. Swimming pool restrictions.
- 14-512. Development standards for multi-family dwellings.
- 14-513. Development standards.
- 14-514. Access and parking requirements.
- 14-515. Open space requirements.
- 14-516. Standards for signs, billboards, and other advertising structures.
- 14-517. Development standards for mobile home parks.
- 14-518. Alternative provisions for lot size and the location of open spaces.
- 14-519. Development standards for automobile wrecking, junk and salvage yards.
- 14-520. Development standards for cemeteries.
- 14-521. Minimum design standards for transmission and communication towers and stations.
- 14-522. Limitations on pain management clinics.
- 14-523. Guidelines for murals in the historic zoning district.

14-501. Off-street parking requirements. In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the planning commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such

facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9' x 18')) and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

(1) Residential activities. (a) Permanent. (i) Single family dwellings; two-family dwellings, mobile homes. Two (2) per each dwelling unit.

(ii) Multi-family dwelling (3 or more); townhouses; condominiums. Two (2) spaces per each dwelling unit.

(iii) Elderly housing, (persons over the age of sixty (60)). One and one-half (1/2) spaces per unit.

(b) Semi-permanent. (i) Boarding or rooming house. One and one-half (1 1/2) spaces for each dwelling or rooming unit.

(2) Community facility activities. (a) Cultural and recreational services. Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

(i) Art galleries, museums, libraries. One (1) space for each eight hundred (800) square feet of gross floor area.

(ii) Swimming pools. One (1) space per four (4) persons, based on design capacity of pool.

(iii) Parks, playgrounds and athletic fields. Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

(iv) Recreation centers and gymnasiums (public/nonprofit). Fifty (50) percent of the capacity in persons.

(b) Essential public transport, communication, and utility services.

(i) Electric and gas substations. One (1) space for each employee on major shift, plus one (1) per company vehicle.

(c) Administrative services; government office. One (1) space for each three hundred (300) square feet of gross floor area.

(d) Community assembly. One (1) space for every three (3) persons of rated capacity of the facility.

- (e) Education facilities; public and private schools.
- (i) Kindergarten and nursery. One (1) space for each employee.
 - (ii) Elementary and middle schools grades 1-9. One (1) space for each teacher and staff member, plus one (1) space per two (2) classrooms.
 - (iii) High school, grades 9-12. One (1) space for each teacher and staff member, plus one (1) space for every three (3) students, based on design capacity.
 - (iv) Vocational or trade schools. One (1) space for each student plus one (1) space for each employee.
- (f) Extensive impact facilities. (i) Airports, heliports, or other aeronautical devices. One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area in areas open to public.
- (ii) Detention or correctional institutions. One (1) space for each staff member and facility vehicle, plus one (1) space per twenty-five (25) inmates.
 - (iii) Electricity generating facilities, radio, and television towers, and transmission facilities. One (1) space for each employee.
 - (iv) Railroad, bus, and transit terminals for passengers. One (1) space for each two hundred (200) square feet of waiting room.
 - (v) Railroad yards and other transportation equipment marshaling and storage yards. One (1) space for each employee.
 - (vi) Water and sewage treatment plants. One (1) space for every employee.
- (g) Health care facilities. (i) Hospitals. One (1) space for two (2) beds, plus one and one-half (1 ½) spaces for each emergency room examination table or bed, plus one (1) per employee on major shift other than doctors, plus one (1) space for each doctor on staff.
- (ii) Medical or dental clinics. Three (3) spaces for each staff member or doctor or dentist.
- (h) Special personal and group care facilities. (i) Day care centers and family day care homes. One (1) space for each staff member, plus one (1) space for every eight (8) pupils.
- (ii) Family and group care facilities. Two (2) spaces for every employee.
 - (iii) Nursing homes or convalescent homes. One (1) space for each staff member, plus one (1) space for each three (3) patient beds.
 - (iv) Religious facilities. All uses: One (1) space for each three (3) seats.

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

<u>Activity Type</u>	<u>Gross Floor Area (Square Feet)</u>
(i) <u>Nursery or green house retail sales.</u>	One (1) space per 1,000 square feet of sales area, plus one (1) space for each employee.
(ii) <u>Retail trade - automotive, marine craft and aircraft sales, rental and delivery.</u>	One (1) space per 500 square feet of enclosed sales or rental floor area, plus one (1) space per 2,500 square feet of open sales or rental display area, plus two (2) spaces per service bay, plus one (1) space for each employee.
(iii) <u>Retail sale of building materials, farm equipment and hardware.</u>	One (1) space per 400 square feet of enclosed sales area, plus one (1) space per 2,500 square feet of open sales display area, plus one (1) space for each employee.
(iv) <u>Food and beverage service.</u>	One (1) space for every three (3) seats plus one (1)

		space for each employee on major shift.
(v)	<u>Food service drive-in (fast food).</u>	One (1) space for every two (2) seats, plus one (1) space for each employee on major shift.
(vi)	<u>Retail food stores.</u>	
	(A) <u>Convenience store.</u>	150
	(B) <u>Grocery store.</u>	200
(vii)	<u>General retail store.</u>	
	(A) <u>Up to 25,000 square feet.</u>	200
	(B) <u>Over 25,000 square feet.</u>	250
(viii)	<u>Furniture store and home furnishings.</u>	200
(ix)	<u>Shopping center.</u>	
	100,000 square feet or less.	200
	Over 100,000.	250

Service Activities

(i)	<u>Animal care and veterinarian services; veterinary hospital.</u>	Three (3) spaces for every doctor, plus one (1) space for each employee.
(ii)	<u>Automobile services and repair.</u>	One (1) space for each employee, plus two (2) spaces for each service bay.
(iii)	<u>Business services.</u> (All Uses).	400 Plus one (1) space for each employee.

(iv)	<u>Contract construction office.</u>	300 Plus one (1) for each company vehicle.
(v)	<u>Equipment repair services.</u>	300
(vi)	<u>Entertainment and amusement.</u>	
(A)	<u>Art galleries.</u>	800
(B)	<u>Bowling alleys.</u>	Five (5) spaces for each alley, plus one (1) for employee.
(C)	<u>Billiard parlor.</u>	Two (2) spaces per table.
(D)	<u>Coin operated arcades.</u>	250
(E)	<u>Commercial recreation.</u>	
(1)	Dance halls and skating rink.	100
(2)	Golf courses, driving range, putt-putt course.	Six (6) spaces per hole, plus one (1) for each employee.
(3)	Exhibition halls, auditoriums, amphitheaters.	One (1) space for each three (3) seats, plus one (1) for each employee.
(F)	<u>Motion picture theatre.</u>	One (1) space for each three (3) seats, plus one (1) for each employee.
(G)	<u>Recording, television, and radio studios.</u>	One (1) space for each employee.
(H)	<u>Resorts and group camps.</u>	One (1) space for every campsite,

		plus one (1) space for each employee.
(I)	<u>Fairgrounds, amusement parks, carnivals, circuses.</u>	One (1) space for every 200 square feet of enclosed building, plus one (1) space for every three (3) persons the facility is designed to accommodate.
(vii)	<u>Finance, insurance and real estate service.</u> (All uses).	200 Plus one (1) space per each employee.
(viii)	<u>Gasoline service station.</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee.
(ix)	<u>Funeral, mortuary, undertaking services.</u>	One (1) space for every four (4) seats, plus one (1) for each employee, plus one (1) space for every company vehicle.
(x)	<u>Office professional.</u>	300
(xi)	<u>Office, medical, dental.</u>	Three (3) spaces per treatment room, plus one (1) for every doctor, dentist or employee.

(xii) Transient habitation.(A) Hotel, motels,
tourist homes
or courts.

One (1) space for each room to be rented, plus one (1) space for each employee.

(B) Sporting and
recreational
vehicle camps.

One (1) space for each travel vehicle or pad plus one (1) space per each employee.

(4) Industrial activities. (a) Manufacturing/industrial. Five (5) spaces, plus one for each employee on the shift of maximum employment.

(b) Warehousing, foods, or freight transport, and storage. One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

(c) Automobile wrecking yards, scrap metal processing, junk yards. One (1) space for each one thousand (1,000) square feet of gross floor area.

(5) Other. For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within § 14-303, the off-street parking requirements shall be determined by the board of zoning appeals. (1972 Code, § 11-501)

14-502. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met. (1972 Code, § 11-501.1)

14-503. Combination of required parking spaces. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays. (1972 Code, § 11-501.2)

14-504. Remote parking spaces. If the off-street parking space required by this zoning ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this zoning ordinance, has been made for the principal use. (1972 Code, § 11-501.3)

14-505. Extension of parking area into a residential district. Required parking space may be extended one hundred (100) feet into a residential district, provided that:

- (1) The parking area adjoins a commercial or industrial district.
- (2) The parking spaces in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- (3) The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot buffer strip. (1972 Code, § 11-501.4)

14-506. Requirements for design of parking lots. (1) Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(2) Each parking space shall be no less than one hundred sixty-two (162) square feet in area.

(3) Entrances and exits for all off-street in such comply with the requirements of § 14-409, of this title.

(4) The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

(5) There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.

(6) All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. A "tar and chip" or similar surface is not an acceptable surface. All parking spaces shall be clearly marked.

(7) No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

(8) All parking lots be in compliance with American Disabilities Act. (1972 Code, § 11-501.5, as amended by Ord. #1206, Sept. 2008)

14-507. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area or Principal Building</u>	<u>Spaces required (See Chapter 3, for definition)</u>
0 to 9,999 square feet	One (1) space
10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Three (3) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for each additional 20,000 square feet

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
Over 40,000 square feet to 100,000 square feet	Two (2) spaces
Each additional 1,000,000 square feet or major fraction thereof	One (1) space

The board of zoning appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. (1972 Code, § 11-502)

14-508. Temporary use restrictions. The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a temporary use permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

(1) Carnival or circus. May obtain a temporary use permit in the C-2, C-3, I-1, I-2, or F-1 districts; however, such permit shall be issued for a period

of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

(2) Limited duration goods and seasonal merchandise. May obtain a thirty (30) day temporary use permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district.

(3) Temporary buildings. In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner.

(4) Real estate sales office. In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Manchester subdivision regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the temporary use permit, whichever occurs sooner.

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

(6) Temporary dwelling units in case of medical hardships. In any district, a temporary use permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either, structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Coffee County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the

structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

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

(7) Temporary dwelling unit in cases of other special services. In any residential district, a temporary use permit may be issued to place mobile home temporarily on a lot in which already contains a residential structure where the Manchester Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Coffee County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.

(8) Temporary manufacture of road materials. In any district, except the residential districts, a temporary use permit may be issued upon approval by the Manchester Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the board of zoning appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this zoning ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months. (1972 Code, § 11-503)

14-509. Home occupations. A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "minor home occupations" or "major home occupations," all other uses that are not considered under one of these classifications is prohibited under these regulations.

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

(2) Major home occupations. Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the board of appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the board of appeals would meet the criteria of a major home occupation. (1972 Code, § 11-504)

14-510. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

(1) There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.

(2) Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

(3) Sign requirements as established in chapter 5, § 14-516, shall be met. (1972 Code, § 11-505)

14-511. Swimming pool restrictions. The following regulations shall apply to all swimming pools.

(1) No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.

(2) The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.

(3) Private swimming pools are permitted in residential, and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located. (1972 Code, § 11-506)

14-512. Development standards for multi-family dwellings. The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by planning commission review of the site plan required for all such developments by § 14-803(2)(b). (1972 Code, § 11-507)

14-513. Development standards. (1) General standards. It is the intent that multi-family dwellings where they are permitted:

(a) May be appropriately intermingled with other types of housing;

(b) Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and

(c) Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

(2) Detailed standards. (a) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.

(b) Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(c) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

(d) Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(e) Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

(f) Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

(g) Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

(h) All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Manchester subdivision regulations.

(i) The planning commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.

(j) Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view. (1972 Code, § 11-507.1)

14-514. Access and parking requirements. (1) Access. (a) Each site developed for multi-family dwellings shall meet the requirements for access set forth in § 14-403 and 14-409, of this title.

(b) Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

(2) Parking. (a) Parking spaces shall be provided in accordance with § 14-501, of this chapter.

(b) Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls. (1972 Code, § 11-507.2)

14-515. Open space requirements. Any common open space established within a multi-family dwelling development shall be subject to the following:

(1) Quality use and improvement of common open space.

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

(b) No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the planning commission. However, no change

authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.

(c) Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

(2) Maintenance of open space. In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

(a) The maintenance organization must be established and operational before any unit is sold.

(b) Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.

(c) The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.

(d) The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

(e) Home owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.

(f) The association must be able to adjust the assessment of fees to meet changing needs.

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

(a) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

(b) It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the planning commission which restrict the common open space to the uses specified on the final development plan, and

which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. (1972 Code, § 11-507.3)

14-516. Standards for signs, billboards, and other advertising structures. (1) Intent and objectives.

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

- (i) protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- (ii) assure proper exposure of signs to their intended viewers;
- (iii) protect the right of individuals to privacy and freedom from nuisances;
- (iv) protect the value of property and improvements thereon;
- (v) permit signs that are constructed and maintained in a safe condition;
- (vi) assure that signs are constructed and maintained in a safe condition;
- (vii) encourage design that enhances the readability and effectiveness of signs;
- (viii) prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (ix) reduce traffic hazards;
- (x) eliminate obsolete signs;
- (xi) provide an efficient and effective means of administration and enforcement.

(b) Scope. Except for signs that are prohibited in all districts in § 14-516(4)(d), herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

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

that complies with size, location, height, lighting, and spacing requirements of these regulations.

(2) Supplementary definitions. The following definitions are to be used for interpreting the provisions of this chapter only. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in chapter 3, of this title.

(a) "Awning." Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

(b) "Awning sign." A sign placed directly on the surface of an awning.

(c) "Banner." A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

(d) "Billboard." See off-premise sign.

(e) "Bulletin board sign." A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

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

(g) "Canopy Sign." A sign attached to a canopy.

(h) "Copy." The characters, letters, or illustrations displayed on a sign face.

(i) "Frontage, building." The length of a building that faces a street, parking area, or private drive.

(j) "Illegal sign." A sign that was constructed in violation of regulations that existed at the time it was built.

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

(l) "Marquee sign." A sign attached to and made part of a marquee or any other similar projection from a building.

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

(n) "Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which

(i) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;

(ii) Is used to announce, direct attention to, or advertise; and

(iii) Is visible from outside a building.

(o) "Sign, abandoned." Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

(p) "Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot.

(q) "Sign, advertising." A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

(r) "Sign, animated." A sign that is animated, moving, rotating or appears to be animated, moving or rotating. Animated signs cannot contain pulsating lights or be offensive in nature.

(s) "Sign, attached." A type of sign that is mounted to a building and includes a wall sign and projecting sign as defined in this section.

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

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

(v) "Sign, changeable, copy." A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

(w) "Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types.

(x) "Sign, development." A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

(y) "Sign, direct, illumination." All illuminated signs not included in the definition of "sign," luminous background" or "sign," "indirect illumination."

(z) "Sign, directional." Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name. Such signs shall be located on the private premises and only one shall be installed per driveway.

(aa) "Sign, directory." A sign which lists the names of individuals, businesses, or products available at a single site.

(bb) "Sign, electronic display board." An electronic display board sign is defined as any scrolling, blinking, or rotating message board that is designed to convey a message or advertisement by electronically generated lighting. Signs containing or consisting of electronic display boards shall not display messages that are offensive in nature.

(cc) "Sign, expressive." Any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

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

(ee) "Sign, ground." A freestanding sign with base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign. No pole supports shall be visible unless integrated into the solid sign base.

(ff) "Sign, handtacked." A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

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

(hh) "Sign, indirect illumination." Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

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

(jj) "Sign, luminous background." A sign created by transilluminating or backlighting of a translucent plastic or glass panel,

or panels of similar material, which may be integrally pigmented, painted, or opaqued.

(kk) "Sign, permanent." Any permitted sign which is not restricted as to the duration of time it can be displayed.

(ll) "Sign, pole." Any sign with pole supports of either one pole or multiple poles. The sign face may begin near the ground elevation or be elevated such that it is attached to the top of the pole supports. This sign differs from a ground sign as indicated in the definition of a ground sign.

(mm) "Sign, portable." Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

(nn) "Sign, projecting." Any sign that:

(i) Is attached to a wall and projects outward from the wall more than twelve (12) inches, or

(ii) Is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

(oo) "Sign, realty." A type of sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon.

(pp) "Sign, structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

(qq) "Sign, wall." A type of building mounted sign:

(i) That is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee;

(ii) That does not project outward more than twelve (12) inches from the surface to which it is attached; and

(iii) In which the sign face is parallel to the plane of the surface to which it is attached.

(3) Exempt signs and temporary signs. (a) Exempt signs. The following are exempt from the provisions of this chapter or from the requirement to obtain a sign permit.

(i) "Address and name of president." Signs indicating address and/or name of residential occupants of the premises, not exceeding three (3) square feet in area, and not including any commercial advertising or identification.

(ii) "Artwork." Works of art that do not include any commercial messages or references.

(iii) "Construction signs." Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.

(iv) "Decals." Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.

(v) "Directional signs." Signs giving on-site directional assistance for the convenience of the public, not exceeding four (4) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated.

(vi) "Flags, emblems, insignia, and banners." Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed sixty (60) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to two (2) per zoning lot and shall not exceed sixty (60) square feet in area.

(vii) "Handicapped parking space sign." Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

(viii) "Home occupation signs." On-premise identification signs for home occupations shall not exceed four (4) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

(ix) "Public signs." Signs erected by governmental agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the board of mayor and aldermen or under the direction of the board.

(x) "Seasonal signs." Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.

(xi) "Security and warning signs." On-premise signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.

(xii) "Temporary political signs." On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs cannot be installed more than 60 days before and shall be removed within seven (7) days after the election or political event except for the period between a primary and the general election, which time limitation is exempt from this restriction.

(xiii) "Temporary real estate signs." Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

(xiv) Deleted.

(xv) "Yard sale signs." Temporary signs indicating the location of and direction to a residential yard sale event. Refer to Table 3¹ for sign standards for yard sale signs.

(b) "Temporary signs requiring approval." The following signs may be erected only after approval from the enforcing officer. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, the enforcing officer may remove it and charge the costs of removal to the individual or enterprise responsible.

(i) "Special event signs." Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.

(ii) "Temporary farm products signs." Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed sixteen (16) square feet, nor shall any sign exceed six (6) feet in height.

(iii) "Construction signs." Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development.

(iv) "Auction signs." Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event. No sign shall be placed in such a manner that

¹Table 3 is located at the end of this section.

would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within three (3) business days following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

(4) General provisions. (a) General standards.

(i) No sign except for those specified in § 14-516(3)(a) shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.

(ii) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.

(iii) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.

(iv) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection or as directed by the enforcing officer if more restrictive covenants are warranted.

(v) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.

(vi) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(vii) No sign shall obstruct any doorway, window, or fire escape.

(viii) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.

(ix) An electrician licensed with the State of Tennessee shall be required for installation of neon lighting on signage attached to a building or other structure. Permits shall be obtained through Duck River Electric Membership Corporation for the neon lighting installation and the electrical work shall be inspected by the State of Tennessee Electrical Inspector.

(b) Surface area display standards. (i) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.

(ii) On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire background.

(iii) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(iv) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(v) In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.

(vi) On a corner lot, a permitted sign may be located along each street frontage.

(c) Height of signs. The following general rules shall apply in the determination of the height of signs.

(i) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.

(ii) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(d) Location of signs relative to electric lines. The location of signs requiring permits under the provisions of this chapter shall be approved by Duck River Electric Membership Corporation (DREMC) as part of the permit process.

The height of a sign, as defined in part 3 above, shall conform to the limitations established by DREMC based upon the horizontal

distance measured from the centerline of any electric line to the closest point of the sign. DREMC criteria are outlined in Table 4.¹

Existing signs that do not meet the limitations of this section will be addressed as outlined in section 11-508.8, provided that the sign is in compliance with the clearances set forth in the current National Electric Safety Code.

(e) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

(i) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this zoning ordinance;

(ii) Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;

(iii) Signs which are made structurally sound by guy wires or unsightly bracing

(iv) Signs which contain any kind of strobe or pulsating lights. This does not apply to electronic display board signs.

(v) Animated signs;

(vi) Any sign with direct illumination provided by exposed bulbs or lamps;

(vii) Off-premise signs, except as permitted in § 14-516(6)(b)(vi) and (vii);

(viii) Flashing signs;

(ix) Handtacked signs, on utility poles, fence posts and trees;

(x) Roof signs.

(f) Sign construction and maintenance standards. (i) Signs shall be constructed of materials that are designed for exterior use and that will minimize long-term maintenance on the sign.

(ii) Sign design should reflect an attractive, professional appearance with a content that applies to the goals and intent of the business and is not offensive in nature.

(iii) Signs should generally be designed and fabricated by a professional sign company to ensure a high-level of quality of the constructed sign.

(iv) For signs to be designed and/or fabricated by an individual or organization not associated with a professional sign company, the sign design and details, including construction

¹Table 4 is located at the end of this section.

materials, shall be approved by the planning commission or its appointed representative prior to issuing a sign permit.

(v) Signs shall be maintained by the property owner in a condition that reflects the original sign design or modifications as approved by the planning commission or its appointed representative. Deteriorated or damaged elements of the sign shall be repaired or replaced.

(5) Signs permitted in residential districts. Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

(a) Community facility activities. (i) A community facility activity may have signs as listed in Table 1.¹

(ii) Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.

(b) Residential complex signs. (i) A residential complex sign may be located at the major entrance to a development. Permitted signs are listed in Table 1.¹

(ii) A residential complex sign may be illuminated by indirect means or with luminous background, provided the light source does not illuminate surrounding properties.

(c) Residential subdivision signs. (i) Subdivision identification signs may be permitted at the main entrances to a subdivision. Permitted signs are listed in Table 1.¹

(ii) Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.

(iii) All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.

(iv) All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.

(v) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

¹Table 1 is located at the end of this section.

(6) Permitted signs in commercial and residential districts. Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

(a) Commercial district signs. Within the C-1, C-3, C-4, and C-5 districts, the following standards for signs shall apply:

(i) Permitted signs are listed in Table 1.¹

(ii) A projecting sign shall not project into the public right-of-way more than six (6) feet provided that in no case shall such sign be closer than two (2) feet from the curb or edge of pavement of the travelway, (C-1 Districts, only). Such sign shall clear the established grade by a minimum of ten (10) feet.

(iii) Signs may be illuminated subject to the following standards:

(A) Exposed bulbs or luminous tubes are prohibited, with the exception of neon.

(B) No sign shall change intensity.

(C) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential or agricultural.

(D) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

(b) Highway commercial and industrial district signs. Within the C-2, I-1, and I-2 districts, the following standards for signs shall apply:

(i) Permitted signs are listed in Table 1.¹

(ii) This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:

(A) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.

(iii) Signs may be illuminated subject to the standards as specified above in § 14-516(6)(a)(iii).

¹Table 1 is located at the end of this section.

(iv) Interstate off-site advertising signs may be permitted only within the C-2, I-1, and I-2 districts, along the I-24 highway corridor, and oriented thereto and subject to the following standards.

(A) All off-site advertising signs shall be free-standing and mounted upon a single support pole, and shall not be double stacked or constructed side by side.

(B) The maximum display surface area shall be six hundred seventy-five (675) square feet.

(C) An off-site advertising sign shall not be located on the same lot as any other use.

(D) No advertising sign shall be located on or extend across any public right-of-way.

(E) No new advertising sign shall be erected by a sign company until it has removed an equal number of nonconforming advertising signs which it operates.

(F) The minimum distance between off-site advertising signs located along and oriented toward the same public street shall be two thousand (2,000) feet and shall be applied as follows:

The spacing requirements shall be applied separately to each side of a public street. The spacing requirements shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street

(G) No off-site advertising sign shall be located closer than one thousand (1,000) feet from any other such sign regardless of location or orientation.

(H) The maximum height of advertising signs shall be fifty (50) feet above the elevation of the pavement nearest the sign.

(I) No advertising sign shall be located closer than five hundred (500) feet from any property zoned residential or agricultural.

(J) Permanent off-site sign requirements are summarized in Table 2.¹

(v) General off-site advertising signs may be permitted within any commercial or industrial district subject to the following standards:

¹Table 2 is located at the end of this section.

(A) The maximum display area shall be seventy-two (72) square feet.

(B) These signs shall be limited to a maximum height of sixteen (16) feet with a minimum of ten (10) feet from the ground to the bottom of the sign face.

(C) An off-site advertising sign shall be setback a minimum of twelve (12) feet from any public right-of-way. This distance is measured from the leading edge of the sign.

(D) All off-site advertising shall be no closer than one thousand (1,000) feet from any other off-site sign, measured along the road right-of-way.

(E) All off-site signs shall be at least one hundred (100) feet from any residential district or two hundred-fifty (250) feet from any residential district along the same side of the road.

(F) All off-site signs must meet the minimum side or rear setbacks for the district which they are located.

(G) Off-site signs erected or placed on undeveloped lots must maintain a spacing of one hundred (100) feet from any permanent on-site freestanding sign.

(H) Permanent off-site sign requirements are summarized in Table 2.¹

(7) Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(a) All temporary signs are required to have a permit. Temporary sign permits shall not be valid for longer than thirty (30) days. No more than one (1) temporary sign permit may be issued for any lot or parcel in any one (1) year period. The fee for a temporary sign permit is twenty-five dollars (\$25.00) and must be paid in full prior to the issuance of the permit. Any temporary sign without a valid permit may be removed from the property by the codes and health administrator or his designee with the costs of said removal to be assessed against the owner of the real estate in the same manner as property taxes.

(b) Display surface area, height, and illumination.

(i) Temporary signs shall not be illuminated except in commercial or industrial districts.

(ii) No sign shall flash or pulsate in any way.

(iii) Any sign that is lighted shall be done in compliance with the National Electrical Code.

¹Table 2 is located at the end of this section.

(c) Location of temporary signs. (i) All temporary signs shall setback a minimum of five (5) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhang or encroach on any street right-of-way at any time.

(ii) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.

(iii) No temporary signs shall be closer than fifty (50) feet from any permanent sign.

(8) Nonconforming and noncomplying sign provisions. Any sign lawfully existing at the time of the enactment of this zoning ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

(a) Removal of temporary nonconforming signs. Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

(b) Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.

(i) The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.

(ii) The total copy of an advertising sign may be changed in accordance with normal business practices.

(iii) The proposed alteration conforms to the provisions of this zoning ordinance.

(iv) No new nonconformance or noncompliance is created. A nonconforming or noncomplying sign may not be altered by a new business that has taken possession of an existing facility with a non-active business. A sign permit will be required for the new business and a conforming sign installed in accordance with these provisions. This does not apply to change of ownership of an active business.

(c) Damage or destruction of nonconforming and noncomplying signs. When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this zoning ordinance.

**TABLE 1
PERMANENT, ON-SITE SIGNS**

ZONING CLASSIFICATION	TYPE	MAXIMUM NUMBER	MAXIMUM HEIGHT (++)	MINIMUM SETBACK	TOTAL SURFACE DISPLAY AREA
Residential/ individual lot	Attached (wall or projecting)	1	Ground floor	N/A	6 sf
Residential/ complex or subdivision entrance	Ground	2	8 ft	8 ft	100 sf (***)
Residential/ commercial facility	Wall	N/A	Ground floor	N/A	100 sf
	Ground	1	6 ft	8 ft	
Commercial/C-1, C-3, C-4, C-5	Attached (wall or projecting)	N/A	N/A	0 ft (C-1, 6' into ROW)	2 sf per linear foot of lot frontage but not less than 250 sf
	Ground (+)	1 (*)	6 ft	8 ft	
	Pole	1 (*)	35 ft	8 ft	
Highway commercial and industrial/C-2, I-1, I-2	Wall	N/A	Ground floor	N/A	2 sf per linear foot of lot frontage but not less than 250 sf
	Ground (+)	1 (*) (+++)	6 ft	8 ft	
	Pole	1 (*) (+++)	35 ft (**)	8 ft	

(+) Retail petroleum product businesses may substitute the permitted ground sign with a pole sign that identifies pricing for a maximum of three products. This sign is limited to 50 sf surface display area.

- (++) Refer to Table 4 for sign height limitations based on distance to electric lines.
- (+++)
One additional ground or pole sign may be permitted by special exception in a C-2 district for a permanent off-site sign to be placed on the separate developed lot as a permanent on-site sign. The off-site commercial business must demonstrate that conditions exist that result in a hardship given the location of their on-site permanent sign. The off-site sign must maintain a spacing of seventy five (75) feet from any permanent on-site freestanding sign on the separate, developed lot. The total signage surface display area from Table 1 shall not be exceeded for the separate, developed lot considering both the permanent on-site signs and the off-site sign being placed on this lot.
- (*)
One pole and sign per street frontage is permitted on lots fronting more than one street.
- (**)
The maximum pole height shall be 125 ft of highway commercial or industrial uses located at the interchanges of 1-24 with U.S. 41, State Hwy 55 and State Hwy 53.
- (***)
Only sign face is measured for surface display area (does not include brick/stone facade, fencing, etc.).

**TABLE 2
PERMANENT, OFF-SITE SIGNS**

ZONING CLASSIFICATION	TYPE	MAXIMUM HEIGHT (+)	MAXIMUM DISPLAY SURFACE AREA	MINIMUM SETBACK	SPACING BETWEEN PERMANENT, OFF-SITE SIGNS	SPACING BETWEEN ANY PERMANENT ON-SITE SIGNS
Any commercial and industrial (**)	Pole	16'	72 sf	12'	1,000'	100'
C-2, I-1, I-2 along I-24 ROW	Pole	125'	675 sf	12'	2,000' (*)	1,000'

- (+) Refer to Table 4 for sign height limitations based on distance to electric lines.
- (++) Refer to Table 1 for allowance of an off-site sign on a separate, developed lot in a C-2 district.
- (*) The spacing requirement applies separately to each side of a public street. The spacing requirement applies continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.
- (**) Shall be on undeveloped lot without existing permanent on-site development signs.

**TABLE 3
TEMPORARY, ON-SITE SIGNS**

Type	Number of Signs Permitted	Total Surface Display Area	Minimum Setback	Height (+)	Max Time Allowed	Permit Required	Zones Allowed	Notes
Political Signs/Special Event Signs	2	16 sf	5 ft	6 ft	60 days/2 times per year for 30 days	No/Yes	All	Shall be removed within 7 days of election or special event
Real Estate/Auction Signs/Directional	1	32 sf	5 ft	6 ft	30 days	No	All	Signs denoting real property for lease for sale shall be removed within 7 days of settlement of property. Auction/directional signs shall be removed within 3 business days following the event.
Portable Signs	1	35 sf	8 ft	6 ft	30 days	Yes	All except residential	
Banners	2	60 ft	8 ft	10 ft (See note)	30 days	No	All except residential (See note)	Display over a public street shall have a minimum clearance of 15 ft, may be approved in residential districts for 21 days, maximum, for special events.
Inflatable	1	N/A	8 ft	25 ft	30 days	No	All except residential	
Construction	1	32 sf	8 ft	6 ft	30 days	No	All	Shall be removed prior to erection of permanent sign

(+) Refer to Table 4 for sign height limitations based on distance to electric lines.

TABLE 4
SIGN HEIGHT LIMITATIONS BASED
ON DISTANCE TO ELECTRIC LINES

Overhead High Voltage Lines

Horizontal Distance From Centerline	Max Height	Other Restrictions
10' or less	4'	No signs allowed within 15' of pole
10' to 15'	10'	No boom trucks used in installation.
15' to 20'	17'	
Over 20'	No restriction	

Overhead Secondary Voltage Lines and Underground Lines

Horizontal Distance From Centerline	Max Height	Other Restrictions
8' or less	4'	No signs allowed within 15' of pole
Over 8'	No restriction	

(1972 Code, §§ 11-508 -- 11-508.8, as amended by Ord. #766, July 1996, Ord. #1081, Oct. 2004, Ord. #1290, Jan. 2011, and Ord. #1294, May 2011)

14-517. Development standards for mobile home parks. The following regulations are intended to supplement the state health regulations established by the Tennessee Trailer Court Act, of 1957, Tennessee Code

Annotated, §§ 68-24-101 through 68-24-120, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

(1) Mobile home park building permit. (a) The application for a "mobile home park permit" shall be filed with the building inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this zoning ordinance until a mobile home park building permit has been issued by the building inspector. The mobile home park building permit may be issued only upon approval of the special exception by the Manchester Board of Zoning Appeals. The board shall act upon an application for a permit after receipt of a report from the Manchester Regional Planning Commission. The board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

(b) Site plan required. A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the planning commission and the board of appeals of a site development plan containing the following information:

- (i) The name and address of the applicant.
- (ii) The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- (iii) The location, size, and number of all mobile home spaces.
- (iv) The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- (v) The proposed use of buildings shown on the site plan.
- (vi) The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- (vii) The location and number of all off-street parking facilities.
- (viii) The location of park and recreation areas.
- (ix) A complete drainage plan with contour lines at five (5) foot intervals.
- (x) A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- (xi) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

(xii) Such other architectural, engineering, and topographical data as may be required to permit the county health department, the building inspector, the planning commission, and the board of zoning appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

(c) Inspection fee. An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

(i) The inspection fee shall be ten dollars (\$10.00) per year plus two dollars (\$2.00) per space. The fee is nonrefundable.

(ii) The inspection fee shall be paid annually upon inspection of the mobile home park by the building inspector.

(2) Development standards. (a) General.

(i) A mobile home park shall be located only as a special exception within those districts where permitted.

(ii) No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(iii) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

(b) Minimum development size. No mobile home park shall be approved which contains less than five (5) acres in area or has less than fifteen (15) mobile home spaces.

(c) Dimensional requirements for parks. (i) Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.

(ii) Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

(iii) No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

(iv) Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only

the name and address of the park and may be lighted by indirect lighting only.

(d) Spacing of mobile homes and site coverage. (i) Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.

(ii) There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.

(iii) Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

(e) The mobile home lot. (i) General. The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

(ii) Mobile home stands. The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks," May, 1977.

(iii) Outdoor living area. Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

(iv) Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

(f) Utilities and other services. (i) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.

(ii) Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system

approved by the Coffee County Health Department and the board of zoning appeals.

(iii) Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.

(iv) Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.

(v) Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.

(vi) Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitos, or other pests.

(g) Streets. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

(i) Circulation. The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

(ii) Pavement widths. Pavement widths shall be as follows:

Collector street with no parking	20 feet
with on-street parking	36 feet
Minor street with no parking	18 feet
with on-street parking	34 feet
One-way minor street with no parking	12 feet
with on-street parking	28 feet

(iii) Construction. The internal streets and drives shall be paved in accordance with city road standards.

(h) Walks. All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for

intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

(i) Recreation area. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

(j) Buffer and screening. A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

(k) Site design. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(l) Parking. Parking shall be provided in accordance with § 14-501.

(i) Off-street parking. Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance

of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

(3) Responsibility of park management. (a) The permittee shall operate the mobile home park in compliance with this zoning ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The permittee shall notify park occupants of all applicable provisions of this zoning ordinance and inform them of their duties and responsibilities under this zoning ordinance.

(c) The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building inspector which includes securing its stability to anchor pins and installing all utility connections.

(d) The permittee shall maintain a register containing the following information:

(i) The name and address of each mobile home occupant.

(ii) The name and address of the owner of each mobile home and motor vehicle by which it was towed.

(iii) The make, model, year, and license number of each mobile home and motor vehicle.

(iv) The date of arrival and of departure of each mobile home.

(e) The mobile home park shall keep the register record 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.

(f) The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

(g) The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

(h) The permit to operate shall be conspicuously posted in the mobile home park office at all times.

(i) The permittee shall be answerable for the violation of any provision of this section.

(4) Responsibilities of park occupants. (a) The park occupants shall comply with all applicable requirements of this zoning ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

(c) Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

(i) The storage area shall be provided with a base of impervious material.

(ii) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(iii) The storage area shall be enclosed by skirting.

(d) The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.

(e) Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

(f) All park occupants shall be required to register their pets (dogs and cats) with the park management.

(g) All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.

(h) Park occupants shall not be allowed to construct or place pens for animals on the park premises.

(i) No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

(5) Inspections. (a) The building inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

(b) The building inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

(c) Penalties. (i) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

(ii) Each day that a violation is permitted to exist shall constitute a separate offense.

(iii) Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

(6) Revocation of permit. The board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After

such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

(7) Prohibited structures. (a) Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

(b) Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.

(c) Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office. (1972 Code, § 11-509)

14-518. Alternative provisions for lot size and the location of open space. The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. These provisions are intended to provide variations in lot size and open space requirements within the residential districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

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

A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the planning commission may be assured that the general purposes, standards, etc., contained in this section are being met.

(2) Site development plan required. (a) Contents. A site development plan containing the information required by § 14-803, shall be prepared and submitted to the planning commission for its review and approval along with a sketch plat as required by the subdivision regulations.

(b) Coordinated review. Upon receipt of a site development plan and sketch plat containing information as required above, the planning commission may:

(i) Concurrently review the site development plan and sketch plat;

(ii) Jointly approve, approve with modification, or disapprove these documents; and

(iii) In the instance of approval, or approval with modification, transfer the site development plan to the building inspector for enforcement.

(c) Enforcement. Upon approval of a site development plan, the building inspector shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

(3) Development standards. The following standards and requirements shall apply to all alternative density developments.

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

(i) The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;

(ii) The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and

(iii) The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

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

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

(i) From the gross acreage available within the development shall be subtracted:

(A) Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon;

(B) Any portion of the site which lies within a floodway district.

(ii) The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

(d) Minimum lot area and lot width. No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated.

The following dimensional requirements shall be maintained in all alternative density developments:

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Minimum lot size	15,000	10,000	6,000	4,000
Lot width at building line	100	75	75	60
Front yard setback	40	35	30	30
Rear yard setback	15	10	10	10
Side yard setback	10	10	5	5

(e) Yard requirements. Within any development approved under the provisions of this section, the following yard requirements shall apply:

(i) For units located entirely within the interior of a site no yards as such are required. However, each dwelling unit shall on its own lot have one yard containing not less than fifteen hundred (1,500) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.

(ii) In addition to the provisions of subsection (i) above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

(f) Lot coverage. Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within

two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

(g) Access to dwellings. Access to each lot shall be in compliance with § 14-403, of this title.

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

(4) Open space requirements. Any common open space provided within a development this type shall:

(a) Quality use and improvement of common open space.

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

(ii) No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the planning commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

(iii) Common open space may, subject to approval by the planning commission, shall consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

(b) Mandatory provisions governing organization and operation of maintenance association. In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall included but not be limited to, the following:

(i) The maintenance organization must be established and operational before any homes are sold.

(ii) Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.

(iii) The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.

(iv) The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

(v) Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.

(vi) The association must be able to adjust the assessment of fees to meet changing needs. (1972 Code, § 11-510)

14-519. Development standards for automobile wrecking, junk and salvage yards. A site development plan specified in § 14-803, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The planning commission is the agency responsible for this review.

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

(1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.

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

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

(5) Off-street parking. As regulated in § 14-501.

(6) Ingress and egress. The number of vehicular access driveways permitted on any single street frontage shall be limited to:

(a) One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

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

(7) No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Manchester, except where a more stringent state or federal law applies. (1972 Code, § 11-511)

14-520. Development standards for cemeteries. (1) The following standards shall be imposed upon the development and construction of cemeteries in Coffee County:

(a) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

(b) Any new cemetery shall be located on a site containing not less than twenty (20) acres.

(c) All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.

(d) All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.

(e) All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. (1972 Code, § 11-512)

14-521. Minimum design standards for transmission and communication towers and stations. All transmitter stations, including towers and operating equipment, shall adhere to the following standards:

(1) All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty (80) miles per hour ice loading for Manchester, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

(2) A site plan in compliance with § 14-803(2)(b) shall be approved by the planning commission prior to the issuance of a building permit.

(3) All towers shall be set back from all property lines or leasehold lines by a distance that is equal to (1) for a guyed tower, twenty (20) percent of

its height, and (2) for a self supporting tower, fifty (50) percent of its height.

(4) All applications for permits to build towers in Manchester must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.

(5) The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.

(6) Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.

(7) All towers that require marking or lighting shall be done in compliance with Federal Aviation Agency regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. (Ord. #794, Aug. 1997)

14-522. Limitations on pain management clinics. (1) Definitions.

(a) "Chronic nonmalignant pain" - is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain for a period of more than ninety (90) days after the surgery.

(b) "Pain management clinic" - means any privately owned clinic, facility or office which advertises in any medium concerning the availability of any type of pain-management services or employs a physician or osteopathic physician or nurse who is primarily engaged in the treatment of pain by prescribing or dispensing substances controlled by federal and/or state law, but the term shall not include:

(i) A clinic where the majority of the physicians who provide services in the clinic primarily provide surgical services;

(ii) A clinic that is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceed fifty million dollars (\$50,000,000);

(iii) A clinic that is affiliated with an accredited medical school at which training is provided for medical students, residents or fellows;

(iv) A clinic that does not prescribe or dispense substances controlled by federal and/or state law for the treatment of pain or

(v) A clinic that is owned by a corporate entity exempt from taxation under 26 U.S.C. §501(c)(3).

For the purpose of this definition, a physician, including an osteopathic physician, is considered to be primarily engaged in the treatment of pain by prescribing or dispensing substances controlled by federal and/or state law when the majority of the patients seen by such physician are prescribed or dispensed a substance controlled by federal or state law for the treatment or purported treatment of chronic nonmalignant pain.

(2) Pain clinic standards. (a) Pain management clinics shall be sited a minimum of twenty-five hundred feet (2,500') from churches, parks, schools or residences.

(b) Pain management clinics shall comply with all other requirements found in the City of Manchester Zoning Code regarding location of medical facilities. (as added by Ord. #1566, Feb. 2019 *Ch19_5-7-19*)

CHAPTER 6

ZONING DISTRICTS

SECTION

- 14-601. Classification of districts.
- 14-602. Zoning map.
- 14-603. Zoning district boundaries.
- 14-604. Zoning annexed territory.
- 14-605. Residential district regulations.
- 14-606. R-1, Large lot residential district.
- 14-607. R-2, Low-density residential district.
- 14-608. R-2M, Low-density multi-family residential district.
- 14-609. R-3, Medium-density residential district.
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- 14-611. Commercial district regulations.
- 14-612. C-1, Central business district.
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- 14-614. C-3, General commercial district.
- 14-615. C-4, Neighborhood convenience service districts.
- 14-616. C-5, Office/professional service district.
- 14-617. Industrial districts.
- 14-618. I-1, Light industrial district.
- 14-619. I-2, General industrial district.
- 14-620. Provisions governing floodway and flood fringe districts.
- 14-621. Special overlay district regulations.

14-601. Classification of districts. For the purpose of this zoning ordinance, the following zoning districts are hereby established in the City of Manchester, Tennessee.

<u>Zoning District</u>	<u>District Abbreviation</u>
(1) <u>Residential districts.</u>	
Large lot residential district	R-1
Low-density residential district	R-2
Medium-density residential district	R-3
High-density residential district	R-4
(2) <u>Commercial districts.</u>	
Central business district	C-1
Highway service district	C-2
General commercial district	C-3
Neighborhood service business district	C-4
Office/professional service district	C-5

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| (3) | <u>Industrial districts.</u>
Light industrial district
General industrial district | I-1
I-2 |
| (4) | <u>Floodway district.</u> | F-I |
| (5) | <u>Special overlay district regulations.</u>
Planned commercial district
Historic zoning overlay district
(1972 Code, § 11-601) | |

14-602. Zoning map. The location and boundaries of the zoning districts established by this zoning ordinance are bounded and defined as shown on the map entitled *Zoning Atlas of Manchester, Tennessee*.¹ The zoning map and any amendment, thereto shall be dated with the effective date of the zoning ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the mayor and building inspector and shall be available for inspection by the public at all reasonable times, as long as this zoning ordinance remains in effect. (1972 Code, § 11-602)

14-603. Zoning district boundaries. Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Manchester Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this zoning ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than one hundred (100) feet within the more restricted district. (1972 Code, § 11-603)

14-604. Zoning of annexed territory. Prior to the annexation of property, the planning commission shall recommend zoning districts to the Manchester City Commission, which shall assign the zoning districts by zoning ordinance within one hundred twenty (120) days after annexation. (1972 Code, § 11-604)

14-605. Residential district regulations. The residential districts established by this zoning ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

¹The zoning map, and all amendments thereto, is of record in the finance director's office.

(1) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;

(2) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;

(3) To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.

(4) To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;

(5) To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;

(6) To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;

(7) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue. (1972 Code, § 11-605)

14-606. R-1, Large lot residential district. (1) Purpose and intent of district. These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this zoning ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this zoning ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home

occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-1, large lot residential district, the following uses are permitted.

Agricultural activities

Crops and animal raising

Residential activities

Single detached dwelling

Community facility activities

Essential services

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-1, large lot residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808.

Community facility activities

Administrative services

Community assembly

Community education

Cultural and recreational services

Intermediate impact facilities

Personal and group care facilities

Religious facilities

Residential activities

Boarding house

Bed and breakfast inns

(5) Uses prohibited. In the R-1, large lot residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-1, large lot residential district, shall comply with the following requirements.

(a) Minimum lot size.

Minimum area

With sewer	20,000 square feet
Without sewer	30,000 square feet

Lot width at building setback

With sewer	100 feet
Without sewer	125 feet

(b) Minimum yard requirements.

Front Yard Setback	50 feet
Side	20 feet
Rear	25 feet

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (1972 Code, § 11-605.1, as amended by Ord. #817, May 1998)

14-607. R-2, Low-density residential district. (1) Purpose and intent of district. These districts are designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from

these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-2, low-density residential district, the following uses are permitted.

Residential activities

Single detached family

Community facility activities

Essential services

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-2, low-density residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808.

Community facility activities

Community assembly

Community education

Cultural and recreational services

Health care facilities

Intermediate impact facilities

Personal and group care facilities

Religious facilities

Residential activities

Boarding house

Bed and breakfast inns

(5) Uses prohibited. In the R-2, low-density residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-2, low-density residential district, shall comply with the following requirements.

(a) Minimum lot size.

<u>Minimum area</u>	12,000 square feet
Area per family	12,000 square feet

<u>Lot width at building setback</u>	100 feet
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(b) Minimum yard requirements.

Front yard setback	35 feet
Side	10 feet
Rear	25 feet

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways shall be landscaped.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building and the same lot. (1972 Code, § 11-605.2, as amended by Ord. #817, May 1998, and Ord. #1118, Oct. 2005)

14-608. R-2M, Low-density multi-family residential district.

(1) Purpose and intent of district. These districts are designed to provide suitable areas for multi-family (townhomes) structures located within a low density residential development where appropriate urban services and facilities are presently available. These districts will be characterized by multi-family (townhomes) structures mixed into single-family detached residential areas of at least ten (10) lots. These districts also include community facilities, public utilities and open uses which serve specifically the residents of these districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-2M, low-density multi-family residential district, the following uses are permitted.

Residential activities

- One family dwelling
- Multi-family (townhomes) structures

Community facility activities

Essential services

- (3) Accessory uses and structures. (a) Private garages and sheds.
 (b) Outdoor recreational facilities exclusively for the use of the residents.
 (c) Signs in compliance with the regulations set forth in § 14-516.
 (d) Home occupations as defined by and subject to the provisions of § 14-509.
 (e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-2M, low-density multi-family residential district, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808, provided that the site development plans shall be reviewed and approved by the planning commission in accordance with § 14-803.

Community facility activities

- Community assembly
- Community education
- Cultural and recreational services
- Health care facilities
- Personal and group care
- Religious facilities
- Bed and breakfast home residence

(5) Uses prohibited. In the R-2M, low-density multi-family residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-2M, low-density multi-family residential district shall comply with the following requirements.

- (a) Maximum and minimum lot size.

<u>Minimum area</u>	40,000 square feet
<u>Maximum area</u>	100,000 square feet
Area per family	12,000 square feet

No more than eight (8) units shall be located on any individual lot.

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| <u>Lot width at building setback</u> | 200 feet |
| (b) <u>Minimum yard requirements.</u> | |
| Front yard setback | 35 feet |
| Side | 40 feet |
| Rear | 25 feet |
- (c) Maximum lot coverage. On any lot, the area occupied by all structures shall not exceed thirty-five (35) percent of the total area.
- (d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structures shall exceed two (2) stories in height, except as provided in § 14-704.
- (e) Parking space requirements. As regulated in § 14-501, all parking areas shall be located off-street and to the rear of the buildings when possible.
- (f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped. A landscaped buffer strip or privacy fence shall be maintained between any single-family residential development.
- (g) Accessory structures. (i) Each dwelling unit is required to have adequate storage area for seasonal needs when not in use.
- (ii) All recreational areas shall be passive in nature, with no areas lighted for night time use. (Ord. #814, April 1998)

14-609. R-3, Medium-density residential district. (1) Purpose and intent of district. This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-3, medium-density residential district, the following uses are permitted.

Residential activities

Single detached dwelling

Duplex dwelling

Community facility activities

Essential services

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-3, medium-density residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808.

Community facility activities

Administrative services

Community assembly

Community education

Cultural and recreational services

Health care facilities

Intermediate impact facilities

Personal and group care facilities

Religious facilities

Residential activities

Boarding house

Bed and breakfast inns

Dwelling, multi-family (apartment, townhouse)

Dwelling mobile home

(5) Uses prohibited. In the R-3, medium-density residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-3, medium-density residential district, shall comply with the following requirements.

(a) Minimum lot size.

<u>Minimum area</u>	7,500 square feet
Area per family	6,000 square feet

<u>Lot width at building setback</u>	75 feet
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(b) Minimum yard requirements.

Front yard setback	35 feet
Side	10 feet
Rear	15 feet

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (1972 Code, § 11-605.3, as amended by Ord. #817, May 1998)

14-610. R-4, High-density residential district. (1) Purpose and intent of district. This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to

development. All types of residential activities are permitted, if they are in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. Commercial activities may be permitted where included as a part of a planned development.

(2) Uses permitted. In the R-4, high-density residential district, the following uses are permitted.

Residential activities

(a) Permanent activities.

Dwelling, single detached

Dwelling, duplex

Dwelling, mobile home

Dwelling, multi-family (apartment, townhouse)

(b) Semi-permanent residential.

Boarding house

Rooming house

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-4, high-density residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808.

Community facility activities

Administrative services

Community assembly

Community education

Cultural and recreational services

Health care facilities

Intermediate impact facilities

Personal and group care facilities
 Religious facilities

Residential activities

Boarding house

Bed and breakfast inns

Mobile home park (Subject to the provisions of § 14-517)

(5) Uses prohibited. In the R-4, high-density residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-3, medium-density residential district, shall comply with the following requirements.

(a) Minimum lot size.

Single-family and duplex	5,000 square feet
Multi-family dwelling	9,000 square feet

Area per family

Single-family and duplex	5,000 square feet
Multi-family dwelling	3,000 square feet

Lot width at building setback

Single-family and duplex	75 feet
Multi-family dwelling	100 feet

(b) Minimum yard requirements.

Front yard setback	35 feet
Side	10 feet
Rear	15 feet

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any

building on the same lot. (1972 Code, § 11-605.4, as amended by Ord. #817, May 1998)

14-611. Commercial district regulations. The commercial districts established by this zoning ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

(1) To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

(2) To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.

(3) To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing function, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.

(4) To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Manchester, and in particular the need for medical services, and the needs of the general public traveling along major highways.

(5) To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.

(6) To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.

(7) To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.

(8) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect and strengthen the economic base of Manchester to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings. (1972 Code, § 14-606)

14-612. C-1, Central business district. (1) District description. This district is designed to provide for a wide range of retail, office, amusement, and

service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utility necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district.

(2) Uses permitted.

Community facility activities

Administrative services
 Community assembly
 Cultural and recreational services
 Essential services
 Health care facilities

Commercial activities

Automotive parking
 Consumer repair services
 Convenience commercial
 Entertainment and amusement services
 Financial, consulting and administrative services
 Food and beverage services
 General business and communication services
 General personal services
 General retail trade
 Medical and professional services
 Transient habitation
 Undertaking services

(3) Accessory uses and structures. The following accessory uses are permitted in the C-1, central business district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-1, central business district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-808.

Residential activities

Permanent residential - multi-family only
 Semi-permanent residential

Community facility activities

Community education

Personal and group care facilities

Religious facilities

Commercial activities

Motor vehicle dealers

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1, central business district.

(6) Dimensional regulations. All uses permitted in the C-1, central business district shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area None

Lot width at building setback None

(b) Minimum yard requirements.

Front yard setback Twenty-five (25) feet, except where a building or buildings on an adjacent lot or lots provide front yards less than twenty (20) feet in depth, a front yard equal to the average of adjacent front yards shall be provided

Side yard setback None, except that when an open area is provided, it shall be at least ten (10) feet wide, and shall be unobstructed

Rear yard setback Twenty (20) feet

(c) Maximum lot coverage. There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 district.

(d) Height requirement. The maximum height of all buildings located in the C-1 district shall be established as follows, except as provided in § 14-704.

(i) The maximum building height at the street line shall be four (4) stories or fifty (50) feet.

(ii) For each foot the building is setback from the street line, the height of the building may be increased by one and one-half (1 1/2) feet to a maximum height of sixty-five (65) feet.

(e) Parking space requirements. Parking spaces in the central business district are not regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(g) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street right-of-way lines, exclusive of business driveways and walkways. The provisions of this section may be waived by the board of zoning appeals in cases where the lack of setbacks would make strict application of the provision impossible. (1972 Code, § 11-606.1, as amended by Ord. #1100, June 2005, as amended by Ord. #1156, Dec. 2006)

14-613. C-2, Highway service district. (1) District description. This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered development patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

(2) Uses permitted. In the C-2, highway service district, the following uses and their accessory uses are permitted.

Community facility activities

Administrative services
 Community assembly
 Community education
 Cultural and recreational services
 Essential services
 Health care facilities
 Intermediate impact facilities
 Personal and group care facilities
 Religious facilities

Commercial activities

Animal care and veterinarian services
 Automotive parking

Automotive service and repair
 Building materials and farm equipment
 Consumer repair services
 Construction sales and services
 Convenience commercial
 Entertainment and amusement services
 Financial, consulting, and administrative
 Food and beverage service
 Food service - drive-in
 General business and communication services
 General personal service
 General retail trade
 Medical and professional services
 Transient habitation
 Transport and warehousing
 Undertaking services
 Vehicular, craft and related equipment

(3) Accessory uses and structures. The following accessory uses are permitted in the C-2, highway service district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-2, highway service district, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with § 14-808.

Commercial Activities

Wholesale

Manufacturing activities

Limited manufacturing activities

Agricultural, resources production, and extractive activities

Plant and forest nurseries

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, highway service district.

(6) Dimensional regulations. All uses permitted in the C-2, highway service district, shall comply with the following requirements in chapter 7.

(a) Minimum lot size.

	Minimum lot area	20,000 square feet
	Lot width at building setback	100 feet
(b)	<u>Minimum yard requirements.</u>	
	Front yard setback	35 feet
	Side yard setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	15 feet
	Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	20 feet

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-2, highway service district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 code, § 11-606.2, as amended by Ord. #1193, Jan. 2008)

14-614. C-3, General commercial district. (1) District description. These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service

establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

(2) Uses permitted. In the C-3, general commercial district, the following uses and their accessory uses are permitted.

Community facility activities

Administrative services
 Community assembly
 Community education
 Cultural and recreational services
 Essential services
 Health care facilities
 Intermediate impact facilities
 Personal and group care facilities
 Religious facilities

Commercial activities

Animal care and veterinarian services
 Automotive parking
 Automotive service and repair
 Building materials and farm equipment
 Consumer repair services
 Construction sales and services
 Convenience commercial
 Entertainment and amusement services
 Financial, consulting, and administrative
 Food and beverage service
 Food service - drive-in
 General business and communication services
 General personal service
 General retail trade
 Group assembly
 Medical and professional services
 Transient habitation
 Transport and warehousing
 Undertaking services
 Vehicular, craft and related equipment
 Wholesale sales

(3) Accessory uses and structures. The following accessories are permitted in the C-3, general commercial district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-3, general commercial district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-808.

Manufacturing activities

Limited manufacturing activities

Intermediate manufacturing activities (biodiesel fuel)

Agricultural, resources production and extractive activities

Plant and forest nurseries

(5) Uses prohibited. Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, general commercial district.

(6) Dimensional regulations. All uses permitted in the C-3, general commercial district, shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area	10,000 square feet
Lot width at building setback	100 feet

(b) Minimum yard requirements.

Front yard setback	35 feet
Side yard setback,	15 feet

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be	20 feet

fifty (50) feet.

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-3, general commercial district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 Code, § 11-606.3, as amended by Ord. #1147, Aug. 2006, and Ord. #1193, Jan. 2008)

14-615. C-4, Neighborhood convenience service districts.

(1) District description. This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

(2) Uses permitted. In the C-4, neighborhood convenience service district, the following uses and their accessory uses are permitted.

Community facility activities

Administrative services

Community assembly

Community education

Cultural and recreational services

Essential services

Health care facilities

Intermediate impact facilities

Personal and group care facilities

Religious facilities

Commercial activities

Convenience commercial

General personal service

General retail trade

Medical and professional services

(3) Accessory uses and structures. The following accessories are permitted in the C-4, neighborhood convenience service district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. No uses are permitted as special exceptions in the C-4, neighborhood convenience service district.

(5) Uses prohibited. Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-4, neighborhood convenience service district.

(6) Dimensional regulations. All uses permitted in the C-4, neighborhood convenience service district, shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area 15,000 square feet

Lot width at building setback 100 square feet

(b) Minimum yard requirements.

Front yard setback 40 feet

Side yard setback, 15 feet

except where the side

yard abuts or is

adjacent to a

residential district,

in which case the

minimum setback for

that yard shall be

forty (40) feet.

Rear yard setback, 20 feet

except where the rear

yard abuts or is

adjacent to a

residential district,

in which case the
minimum setback for
that yard shall be
fifty (50) feet.

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-4, neighborhood convenience service district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 Code, § 11-606.4, as amended by Ord. #1193, Jan. 2008)

14-616. C-5, Office/professional service district. (1) This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve the needs of persons frequenting this district.

(2) Uses permitted. In the C-5, office/professionals service district, the following uses and their accessory uses are permitted.

Community facility activities

Administrative services

Community assembly

Community education

Cultural and recreational services

Essential services

Health care facilities

Personal and group care facilities

Religious facilities

Commercial activities

Automotive parking

Financial, consulting, and administrative services

General business and communication services

General personal service

Medical and professional services

(3) Accessory uses and structures. The following accessories are permitted in the C-5, office/professional service district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-5, office/professional service district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-808.

Commercial activities

Food and beverage service

Food service drive-in

Helipads

(5) Uses prohibited. Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-5, office/professional service district.

(6) Dimensional regulations. All uses permitted in the C-5, office/professional service district, shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area	15,000 square feet
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Lot width at building setback	100 feet
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(b) Minimum yard requirements.

Front yard setback	40 feet
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Side yard setback,	15 feet
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except where the side

yard abuts or is

adjacent to a

residential district,

in which case the

minimum setback for

that yard shall be

forty (40) feet.

Rear yard setback, 20 feet
 except where the rear
 yard abuts or is
 adjacent to a
 residential district,
 in which case the
 minimum setback for
 that yard shall be
 fifty (50) feet.

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As restated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-5, office/professional service district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 Code, § 11-606.5, as amended by Ord. #1091, Feb. 2005, and Ord. #1193, Jan. 2008)

14-617. Industrial districts. The industrial districts established by this zoning ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

(1) To provide sufficient space, in appropriate locations, to meet the needs of the area of Manchester's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.

(2) To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.

(3) To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other

particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this zoning ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.

(4) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this zoning ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.

(5) To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.

(6) To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Manchester area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Manchester's tax revenues. (1972 Code, § 11-607)

14-618. I-1, Light industrial district. (1) District description. These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

(2) Uses permitted. In the I-1, light industrial district, the following uses and accessory uses are permitted.

Community facility activities

Essential services

Extensive impact facilities

Commercial activities

Animal care and veterinarian services
 Building materials and farm equipment
 Construction sales and services
 Transport and warehousing
 Wholesale sales

Manufacturing activities

Limited manufacturing
 Intermediate manufacturing

Agricultural, resources production, and extraction activities

Crop and animal raising
 Plant and forest nurseries

(3) Accessory uses and structures. The following accessory uses are permitted in the I-1, light industrial district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the I-1, light industrial district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-808.

Community facility activities

Administrative services
 Intermediate impact facilities

Commercial activities

Adult entertainment
 Consumer repair services
 Construction sales and services
 Entertainment and amusement services
 Food and beverage service
 Food service drive-in
 Group assembly

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-1, light industrial district.

(6) Dimensional regulations. All uses permitted in the I-1, light industrial district shall comply with the following requirements except as provided in chapter 7.

- (a) Minimum lot size.
- | | |
|----------------------------|--------------------|
| Minimum lot area | 20,000 square feet |
| Lot width at building line | 100 feet |
- (b) Minimum yard requirements.
- | | |
|---|---------|
| Front yard setback | 50 feet |
| Side yard setback,
except where the side
yard abuts or is
adjacent to a
residential district,
in which case the
minimum setback for
that yard shall be
forty (40) feet. | 20 feet |
| Rear yard setback,
except where the rear
yard abuts or is
adjacent to a
residential district,
in which case the
minimum setback for
that yard shall be
fifty (50) feet. | 25 feet |

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed forty-five (45) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (1972 Code, 11-607.1, as amended by Ord. #873, March 2000)

14-619. I-2, General industrial district. (1) District description. These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type

of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

(2) Uses permitted. In the I-2, general industrial district, the following uses and accessory uses are permitted.

Community facility activities

Essential services

Commercial activities

Animal care and veterinarian services
 Building materials and farm equipment
 Construction sales and services
 Food and beverage service
 Food service drive-in
 Transport and warehousing
 Wholesale sales

Manufacturing activities

Limited manufacturing
 Intermediate manufacturing

(3) Accessory uses and structures. The following accessory uses are permitted in the I-2, general industrial district.

- (a) Signs in compliance with the regulations set forth in § 14-516.
- (b) Accessory off-street parking and loading facilities as required in § 14-501.
- (c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the I-2, general industrial district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-808.

Community facility activities

Extensive impact facilities

Commercial activities

Adult entertainment
 Group assembly

Manufacturing activities

Extensive manufacturing activities

Agricultural, resources production, and extractive activities

Mining drilling and quarrying

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2, general industrial district.

(6) Dimensional regulations. All uses permitted in the I-2, general industrial district shall comply with the following requirements except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area	40,000 square feet
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Lot width at building line	150 feet
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(b) Minimum yard requirements.

Front yard setback	100 feet
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Side yard setback,	40 feet
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except where the side yard abuts or is adjacent to a

residential district, in which case the minimum setback for that yard shall be eighty (80) feet.

Rear yard setback,	50 feet
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except where the rear yard abuts or is adjacent to a residential district,

in which case the minimum setback for that yard shall be one hundred (100) feet.

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

(d) Height requirement. No building shall exceed forty-five (45) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be

maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (1972 Code, § 11-607.2, as amended by Ord. #873, March 2000)

14-620. Provisions governing floodway and flood fringe districts.

(1) Intent and objectives. (a) Finding of fact.

(i) The flood hazard areas of Manchester are subject to periodic inundation which results 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.

(ii) The flood losses are caused by the cumulative affect of obstructions in flood heights and velocities, the occupancy of flood-hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

(b) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public losses due to flood conditions in specific areas by provisions designed to:

(i) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(ii) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

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

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

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

(c) Objectives. The objectives of this zoning ordinance are:

(i) To protect human life and health;

(ii) To minimize expenditure of public money for costly flood control projects;

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

(iv) To minimize prolonged business interruptions;

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

(vi) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(vii) To insure that potential home buyers are notified that property is in a flood area.

(2) Supplementary definitions. The following definitions are to be used for interpreting the provisions of this chapter only. The definitions are not intended to permit uses of land that may otherwise be prohibited by the base zoning district. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in chapter 3, of this zoning ordinance.

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

(i) Accessory structures shall not be used for human habitation.

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

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

(iv) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(v) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

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

(d) "Appeal" means a request for a review of the building inspector's interpretation of any provision of this zoning ordinance or a request for a variance.

(e) "Area of shallow flooding" means a designated AO or AH zone, on a community's flood insurance rate map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(f) "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.

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

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

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

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

(k) "Building" for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy, or storage. (See "structure")

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

(m) "Elevated building" means a non-basement building

(i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers),

(ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building," also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(n) "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.

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

(p) "Exception" means a waiver from the provisions of § 14-619(6), of this chapter directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

(q) "Existing construction" any structure for which the "start of construction" commenced before the effective date of this zoning ordinance.

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

(s) "Existing structures," see "Existing construction."

(t) "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).

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

(i) the overflow of inland or tidal waters;

(ii) the unusual and rapid accumulation or runoff of surface waters from any source.

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

(w) "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) and/or flood-related erosion hazards.

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

(y) "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency

has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(z) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary map and the water surface elevation of the base flood.

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

(bb) "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.

(cc) "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.

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

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

(ff) "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.

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

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

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

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

(kk) "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.

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

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

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

(ii) 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;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(A) By an approved state program as determined by the Secretary of the Interior, or

(B) Directly by the Secretary of the Interior in states without approved programs.

(nn) "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.

(oo) "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.

(pp) "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 § 14-605.

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

(rr) "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.

(ss) "Map" means the flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community issued by the agency.

(tt) "Mean-sea-level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this zoning ordinance, the term is synonymous with national geodetic vertical datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(uu) "National geodetic vertical datum (NGVT)" as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(vv) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this zoning ordinance. The term also includes any subsequent improvements to such structure.

(ww) "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 zoning ordinance.

- (xx) "100-Year flood", see "Base flood".
- (yy) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
- (zz) "Recreational vehicle" means a vehicle which is:
 - (i) Built on a single chassis;
 - (ii) Four hundred (400) square feet or less when measured at the largest horizontal projections;
 - (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (aaa) "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.
- (bbb) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (ccc) "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.
- (ddd) "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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (eee) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office

designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

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

(hhh) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (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:

(i) 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;

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

(iii) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

(kkk) "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 § 14-620(5) is presumed to be in violation until such time as that documentation is provided.

(lll) "Water surface elevation" means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, (or other datum,

where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

(3) General provisions. (a) Application. This chapter shall apply to all areas within the incorporated area of Manchester, Tennessee.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Manchester, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470035 0001, 0002, 0003, 0004, and 0006. Effective Date: March 4, 1988, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this zoning ordinance. These areas shall be incorporated into the Manchester, Tennessee Zoning Map.

(c) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.

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

(e) Abrogation and greater restrictions. This zoning ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this zoning ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

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

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the governing body,
and;

(iii) Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and disclaimer of liability. The degree of flood protection required by this zoning 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 zoning ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This zoning ordinance shall not create liability on the part of the City of Manchester, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this zoning ordinance or any administrative decision lawfully made hereunder.

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

with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Manchester, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

(4) Administration. (a) Designation of building inspector. The building inspector is hereby appointed to administer and implement the provisions of this zoning ordinance.

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

(i) Application stage. (A) Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all building.*

(B) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed, where base flood elevation data is available.*

(C) Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in § 14-619(4)(b)(ii), where base flood elevation data is available.*

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

*(See (ii) below.)

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

Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the

elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Duties and responsibilities of the building inspector. Duties of the building inspector shall include, but not be limited to:

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

(ii) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

(iii) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(iv) Record the actual elevation (in relation to mean--sea-level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-619(4)(b)(ii).

(v) Record the actual elevation (in relation to mean--sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with § 14-619(4)(b)(ii).

(vi) When floodproofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with § 14-619(4)(b)(ii).

(vii) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for

example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-619(6).

(viii) When base flood elevation data or floodway data have not been provided by the federal emergency management agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the community FHBM or FIRM, meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least two (2) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-619(2)). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in § 14-619(4)(b).

(ix) All records pertaining to the provisions of this zoning ordinance shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this zoning ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

(x) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

(5) Provisions for flood hazard reduction. (a) General standards. In all flood prone areas the following provisions are required:

(i) New construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure;

(ii) Manufactured homes shall be elevated and anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(iii) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(iv) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(v) 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;

(vi) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(vii) 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;

(viii) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(ix) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this zoning ordinance, shall meet the requirements of "new construction" as contained in this chapter; and,

(x) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this zoning ordinance, shall meet the requirements of "new construction" as contained in this chapter and provided said nonconformity is not extended.

(b) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

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

(i) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-619(5)(b)(iii).

(ii) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building inspector as set forth in § 14-619(4)(b)(ii).

(iii) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

(1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one (1) foot above grade; and

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(B) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-619(5)(b).

(iv) Standards for manufactured homes and recreational vehicles.

(A) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(B) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(1) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

(2) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(3) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-619(5)(b)(iv)(B)(1) and (2) above.

(C) All recreational vehicles placed on sites must either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use; or

(3) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-619(5)(b)(iv)(A) or (B)(1) and (2).

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

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-619(4)(c)(viii) shall be

utilized for all requirements relative to the base flood elevation or floodways.

(c) Standards for areas of special flood hazard zones A1-30 and AE, with established base flood elevation, but without floodways designated. Located within the areas of special flood hazard established in §14-619(3)(b) where streams exist with base flood data provided but where no floodways have been provided, (Zones A1-30 and AE) the following provisions apply:

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

(ii) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-619(5)(b).

(d) Standards for areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard established in § 14-619(3)(b) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(i) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(ii) All new construction and substantial improvements of nonresidential buildings shall:

(A) Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

(B) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

(e) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-619(3)(b) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones) the following provisions apply:

(i) All provisions of §§ 14-619(4) and 14-619(5)(a) and (h) shall apply.

(f) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 14-619(3)(b) where streams exist with base flood data and floodways provided, the following provisions apply:

(i) No encroachments, including fill material, new construction substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(ii) If § 14-619(5)(f)(i) is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-619(5)(b).

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

(i) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

(ii) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-619(4)(b)(ii).

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

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

(6) Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard.

(a) Board of zoning appeals. (i) The Manchester Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(ii) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(iii) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant

factors, all standards specified in other sections of this zoning ordinance, and:

(A) The danger that materials may be swept onto other property to the injury of others;

(B) The danger to life and property due to flooding or erosion;

(C) The susceptibility of the proposed facility and its contents to flood damage;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(J) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(iv) Upon consideration of the factors listed above, and the purposes of this zoning ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this zoning ordinance.

(v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions for variances. (i) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(ii) Variances shall only be issued upon

(A) a showing of good and sufficient cause,

(B) a determination that failure to grant the variance would result in exceptional hardship; and

(C) a determination that the granting of a variance will not result in increased flood highlights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud an or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(iv) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (1972 code, § 11-608, and §§ 11-608.1 -- 11-608.6)

14-621. Special overlay district regulations. The following regulations shall apply in the special overlay zoning districts established in § 14-601, of this zoning ordinance.

(1) Historic zoning overlap district; intent of the historic district. It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archaeological, architectural or cultural value to the City of Manchester. These requirements are adopted pursuant to the authority granted in Tennessee Code Annotated, § 13-7-401. The general intent of this provision includes, among others, the following specific purposes:

(a) To preserve and protect the historic and/or architectural value of buildings or other structures;

(b) To regulate exterior design, arrangement, texture and material proposed to be used within the historic district to ensure compatibility;

(c) To create an aesthetic appearance which complements the historic buildings or other structures;

(d) To stabilize and improve property values;

(e) To foster civic beauty;

(f) To strengthen the local economy; and

(g) To promote the use of historical districts for the education, pleasure and welfare of the present and future citizens of the City of Manchester.

(2) Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Alteration." Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

(b) "Construction." The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(c) "Demolition." Any act that destroys the external walls in whole or in part of a structure.

(d) "Demolition by neglect." The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such site.

(e) "Design guidelines." Standards adopted by the Manchester Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.

(f) "An economic hardship." An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

(g) "Historic district." A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values within the City of Manchester and which has been so designated by the historic zoning commission.

(h) "Historic landmark." Any individual historic resource that is significant and contributes to the historical, architectural, archaeological or cultural values within the City of Manchester and which has been so designated by historic zoning commission.

(i) "Ordinary repair and maintenance." Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

(j) "Relocation." Any change of the location of a structure in its present setting or another setting.

(k) "Structure." A nonmoveable work made up interdependent and interrelated parts in a definite pattern of organization.

(3) Boundaries of historical districts and landmarks. Upon adoption of this zoning ordinance the historic zoning commission shall delineate the boundaries of the historical district or landmark and have it approved by the Manchester City Board. After the boundary receives approval by the board, it shall be shown on the zoning map or as special overlays to the zoning map. Changes in the boundaries of the historical district or landmarks may occur

after a recommendation by the historical zoning commission and approved by the board.

(a) Historic district defined. A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria.

(i) That it is associated with an event which has made a significant contribution to local, state, or national historic; or

(ii) That it includes structures associated with the lives of persons significant in local, state, or national history; or

(iii) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(iv) That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

(b) Landmark defined. A historic landmark shall be defined as a building, structure, site or object, its appurtenance and the property it is located on, of high historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Manchester and which meets one (1) or more of the following criteria:

(i) That is associated with an event which has made a significant contribution to local, state, or national history;

(ii) That is associated with the lives of persons significant in local, state, or national history;

(iii) That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;

(iv) That has yielded or may be likely to yield archaeological information important in history or prehistory; or

(v) That is listed in the National Register of Historic Places.

(4) Powers and duties of the historical zoning commission.

(a) The historic zoning commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in subsection (d) above. The commission shall furnish to the city council, in writing, its recommendations regarding the creation of any

recommendations of the commission prior to the establishment of such districts or landmarks.

(b) Prior to the establishment of a historic district or landmark, and subsequent to adoption of the district or landmark, the historic zoning commission shall adopt for each such proposed district or landmark a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this chapter. Such review guidelines shall be consistent with the purposes of this chapter and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district or landmark which has been certified by the Secretary of the Interior as a registered historic district or landmark. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.

(c) It shall be the duty of the historic zoning commission to make the following determinations with respect to the historic districts or landmarks when applicable:

(i) Appropriateness of altering or demolishing any building or structure within the historic district or any landmark. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc., shall be at the expense of the property owner.

(ii) Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.

(iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.

(iv) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district or landmark.

(v) Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district.

However, the historic zoning commission shall not consider interior arrangement or design.

(A) Historical or architectural value of the present structure;

(B) The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;

(C) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

(D) To any other factor, including aesthetic, which is reasonably related to the purpose of this chapter.

(d) The commission, 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, but there shall be no right of entry into any building without the consent of the owner.

(e) Any member of the historic zoning commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic zoning commission in connection therewith.

(5) Construction, alteration, repair, moving, or demolition.

(a) There shall be no construction, alteration, remodeling, or change of color that affects the external appearance of a historic site without the prior approval of the historic zoning commission. Such approval shall be signified by a certificate of approval which shall be issued by the commission in such form as the commission shall deem advisable.

(i) Applications. Applications for certificate of approval shall be made at the office of the building inspector of the City of Manchester. The building inspector shall notify the historic zoning commission of such applications, which shall be in the form of preliminary scale drawings and specifications, and such other documents as are appropriate to acquaint the commission with the details of the proposed project. If the preliminary drawings and other data are sufficiently clear, the commission may grant final approval upon the basis of them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

(ii) Consideration of applications. All applications for certificates of approval received by the building inspector ten (10) days prior to the next regularly scheduled meeting of the historic zoning commission shall be considered by the commission at the

next meeting date. Any application not granted final approval shall be considered at the next regular meeting before which the application submits whatever documentation required by the commission at its preliminary consideration of the project.

(iii) Approval or disapproval. Within thirty (30) days following the availability of sufficient data and documentation, the historic zoning commission shall issue its certificate of approval with or without attached condition or refuse to grant a certificate of approval. If the commission should refuse to grant a certificate of approval, it shall state its grounds for refusal in writing and communicate such grounds to the applicant.

(b) No historic site may be demolished or partially demolished without the prior approval of the historic zoning commission. Any application to demolish or partially demolish a structure in the historic district shall be forwarded to the historic zoning commission.

(6) Moratorium on alteration or demolition. The commission shall have the power to require a one hundred eighty (180) day moratorium on any request to demolish or alter any structures covered by this zoning ordinance. If no action has been taken or no provisions made for acquiring or restoring the structure within this period of time, the proposed demolition or alteration shall be deemed to have been approved by the commission.

(a) Demolition by neglect. Structures located within a historic district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control thereof. The owner or other person having custody and control, in keeping with the city's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

(b) The historic zoning commission, on its own initiative, may file a petition with the building inspector requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under § 14-620(2), above, so that such structure shall be preserved and protected in accordance with the purposes of this zoning ordinance.

(c) If any structure covered by § 14-620(2), above, shall have to be demolished as a public safety hazard and the owner of the structure shall receive two or more notices from the building inspector of building neglect in violation of this zoning ordinance and other city ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure.

Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any city office during this period.

(7) Regulation of signs. In addition to the requirements applicable to all signs found elsewhere in this code, signs in the historic zoning district shall meet the following standards:

(a) Signs should be easily seen and clearly understandable without being inconsistent in color, size or intensity with surrounding architectural features, glaring, garish, loud or lurid.

(b) Materials and design should relate to the architectural features of the building, the storefront and/or other buildings, signs and storefronts in the area.

(c) No sign may be located on a structure so that it obscures any architectural features such as a cornice (unless the sign consists of individual letters) or be oversized in proportion to the building.

(d) The registered trademark of a specific commodity shall occupy no more than fifteen percent (15%) of the area of a sign, unless the said commodity is the major business conducted on the premises.

(e) The primary business sign may bear lettering only to the name and kind of business and the year the business was established.

(f) No support for a sign shall extend above the cornice line of a building to which the sign is attached.

(g) The following signs shall not be permitted, constructed, erected or maintained:

(i) Signs which incorporate any manner of flashing, moving or intermittent lighting, excluding public service signs showing time and temperature;

(ii) Any signs which no longer advertise a business or product previously sold unless it is of cultural, aesthetic or historical significance to the historic district;

(iii) Portable signs;

(iv) Signs erected so as to obstruct any door, window or fire escape on a building;

(v) Roof signs;

(vi) Vertical, windless banner flags;

(vii) Large wall signs painted on the side of buildings which are taller than the surrounding buildings, unless they are of aesthetic or historical significance.

(h) The sign may be only one (1) square foot of sign area per linear foot of building frontage used by tenant. Where a building fronts on more than one (1) street, the aggregate footage for each frontage shall be calculated and used separately. At no time shall the sign obscure architectural features or be oversized in proportion to the building.

(i) Tops of wall signs for street level establishments may not protrude above the tops of second story windowsills.

(j) V-shaped "sandwich" signs or free-standing sidewalk signs may be used up to a maximum size of two feet six inches (2' 6") wide and three feet six inches (3' 6") tall. They must be removed at close of business day; secured against wind and maintained in good condition.

(k) Internally illuminated, electronic programmable, neon and changeable copy signs that flash, change color or scroll are prohibited in the historic district.

(l) Handwritten signs are prohibited unless approved on an individual basis by the historic zoning commission. Acceptable colors may be obtained from the historic zoning commission.

(m) Banner signs are approved for temporary use no longer than sixty (60) days.

(n) Businesses that have moved to another location must remove any and all signage within ninety (90) days after the move or close of the business.

(o) Approved awning signs are permitted provided they blend in with the architecture of the building. Awnings should enhance the building's design; but, should not be the dominant feature. Awning lettering that is a maximum of twenty-five percent (25%) of the awning face may be used for signage regardless of the building façade.

(i) Material - Canvas, cloth and metal awnings are permitted. Material used should be of high quality, colorfast and sun fade resistant. Vinyl, plastic and wood are not allowed.

(ii) Color - Awning colors are generally limited to a single field color with a single contrasting color for the lettering. Acceptable colors may be obtained from the historic zoning commission.

(iii) Location - Awning must be placed in a traditional location above doors and windows only.

(p) Signs exempt from this section:

(i) No solicitation;

(ii) Hours of operation, open or closed;

(iii) Address numbers;

(iv) No trespassing and security signs;

(v) Flags or insignias: Flags of the United States, State of Tennessee; governmental flags or insignias of governmental entities are not counted as signage. Vertical, windless banner flags not permitted in the historic district.

(vi) Special sale signs: Merchants can display temporary advertising signs on the inside of their windows provided they do not cover more than thirty-three percent (33%) of the window area. Special sale signs may be displayed for no more than two (2) weeks at a time, five (5) times per day. They should be removed within three (3) days after the event.

(vii) Public necessity signs such as restrooms, credit cards accepted and smoking prohibited.

(viii) Special event signs: Flyers, banners and posters of upcoming events may be displayed one (1) month prior to the event and removed within five (5) days after the event.

(ix) Historical signs and markers;

(x) For sale/rent/help wanted.

(q) Non-compliance with sign standards will be subject to a fine of up to fifty dollars (\$50.00) per day of violation or injunction in appropriate cases. Enforcement of this section shall be by the City of Manchester Codes Department.

(r) Owners will have sixty (60) days to comply after approval of this section.

(8) Determination of economic hardship. Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

(a) Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness.

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure of the property and their suitability for rehabilitation.

(c) Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

(d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of the existing structure on the property.

(e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f) If the property is incoming-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(g) Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

(9) Jurisdiction and appeals. Anyone who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, as provided in title 27, chapter 8, of Tennessee Code.

Nothing in this chapter shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments.

All subdivided developments having zero lot line buildings shall have a subdivision plat containing all subdivided lots approved by the planning commission prior to any building permit being issued. The subdivision plat shall list all recorded easements and covenants that will exist between the lots.

(10) The provisions of this part shall be enforced by the health and codes department. (1972 Code, § 11-609 and §§ 11-609.1 -- 11-609.2, as amended by Ord. #904, Nov. 2000, Ord. #1288, Nov. 2010, Ord. #1301, June 2011, Ord. #1309, Sept. 2011, Ord. #1483, June 2016, and Ord. #1534, June 2017)

CHAPTER 7

EXCEPTIONS AND MODIFICATIONS

SECTION

- 14-701. Scope.
- 14-702. Nonconforming uses.
- 14-703. Bulk and lot size noncompliance.
- 14-704. Exceptions to height limitations.
- 14-705. Lots of record.
- 14-706. Exceptions to setback requirements.
- 14-707. Absolute minimum lot size.

14-701. Scope. This chapter is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in chapter 5 and chapter 6. (1972 Code, § 11-701)

14-702. Nonconforming uses. The districts established in this zoning ordinance (as set forth in district regulations in chapter 6) are designed to guide the future use of land in Manchester, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this chapter are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this zoning ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this zoning ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this zoning ordinance, the provisions governing noncomplying buildings or other structures set forth in this chapter are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this zoning ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

(1) Provisions governing nonconforming uses. (a) Applicability. The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

(b) Construction or use permit approved prior to ordinance adoption. Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this zoning ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this zoning ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this zoning ordinance shall apply.

(c) Repairs and alterations. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(d) Zone lot containing nonconforming use. A zone lot containing a nonconforming use shall not be reduced in area except to comply with section (c).

(e) Continuation of nonconforming use. Any nonconforming use which existed lawfully at the time of enactment of this zoning ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this zoning ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

(f) Change of nonconforming use. (i) General provisions. For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

(ii) Land with incidental improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

(iii) Nonconforming to conforming use. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(g) Expansion of nonconforming uses. (i) General provisions. Any nonconforming use which shall become nonconforming, upon enactment of this zoning ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

(ii) Land with incidental improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

(iii) Adequate space for expansion. No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this zoning ordinance, upon any open space required by this zoning ordinance. All required yard setback requirements must be adhered to in any such expansion project.

(iv) Expansion limited. Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

(v) Expansion upon land subject to flood. No expansion of any nonconforming use shall violate the provisions of § 14-619.

(h) Damage or destruction. (i) General provisions. Any nonconforming use which shall become nonconforming upon enactment of this zoning ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

(ii) Change in use prohibited. No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in section (g), above) to other than a permitted use.

(iii) Land with incidental improvements. In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this zoning ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

(iv) Infringement upon open space restricted. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this zoning ordinance.

(v) Reconstruction of floor damaged property. The provisions of § 14-703, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

(i) Discontinuance. When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision. (1972 Code, § 11-702 and § 11-702.1)

14-703. Bulk and lot size noncompliance. (1) General provisions. The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

(2) Continuation of use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

(3) Repairs and alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of § 14-703(4) through § 14-703(6).

(4) Enlargements or conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

(5) Buildings noncomplying as to lot area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).

(6) Damage or destruction of noncomplying uses. A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof. (1972 Code, § 11-703)

14-704. Exceptions to height limitations. The height limitations of this zoning ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Heights exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the planning commission. (1972 Code, § 11-704)

14-705. Lots of record. The following provisions shall apply to all existing lots of record:

(1) Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this zoning ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this zoning ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this zoning ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the board of zoning appeals.

(2) No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this zoning ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

(3) Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be

combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (1972 Code, § 11-705)

14-706. Exceptions to setback requirements. The front setback requirement of this zoning ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. (1972 Code, § 11-706)

14-707. Absolute minimum lot size. In no case shall the building inspector or the board of zoning appeals permit any zone lot in a residential district to be used as building site which, is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments. (1972 Code, § 11-707)

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

SECTION

- 11-801. Administration of the zoning ordinance.
- 11-802. The enforcement officer.
- 11-803. Building permits.
- 11-804. Temporary use permits.
- 11-805. Certificate of occupancy.
- 11-806. Board of zoning appeals.
- 11-807. Variances.
- 11-808. Procedure for authorizing special exceptions.
- 11-809. Amendments to the resolution.
- 11-810. Zoning and subdivision fees.
- 11-811. Penalties.
- 11-812. Remedies.
- 11-813. Validity.
- 11-814. Interpretation.
- 11-815. Effective date.

14-801. Administration of the zoning ordinance. Except as otherwise provided, no structure or land shall after the effective date of this zoning ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this zoning ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other zoning ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other zoning ordinances, resolutions, or regulations is mandatory. (1972 code, § 11-801)

14-802. The enforcement officer. The provisions of this zoning ordinance shall be administered and enforced by the city building inspector. In performance of administering and enforcing this zoning ordinance, he shall:

- (1) Issue all building permits and make and maintain records thereof.
- (2) Issue all certificates of occupancy and make and maintain records thereof.
- (3) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- (4) Maintain and keep current zoning maps and records of amendments thereto.

(5) Receive, file and forward to the board of zoning appeals all applications for variances or other matters on which the board is required to act under the provisions of this zoning ordinance.

(6) Conduct inspections as required in this zoning ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this zoning ordinance. The building inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties. (1972 Code, § 11-802)

14-803. Building permits. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the building inspector. If said excavation or construction is begun without a proper building permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required.

No building permit shall be issued by the building inspector except in conformity with the provisions of this zoning ordinance, unless there is received a written order from the board of zoning appeals in the form of an administrative review, special exception, or variance as provided by this zoning ordinance.

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

(a) The actual shape, location, and dimensions of the lot to be built upon.

(b) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.

(c) The existing and intended use of all such buildings or other structures.

(d) Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this zoning ordinance are being observed.

(2) Site plan requirements. Site plans containing the information required for the particular use by this section must be submitted to the building inspector at the time of an application for a building permit. It is specifically anticipated that the approval process for one- and two-family detached houses and individual mobile homes shall be administratively approved by the building inspector. All other uses shall only be approved in the manner set forth in § 14-803(2)(b), below.

(a) Site plans required for one- and two-family detached houses and individual mobile homes.

(i) The actual shape, location, and dimensions of the lot to be built upon.

(ii) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.

(iii) The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.

(iv) The size and location of all yards and open areas required by this zoning ordinance.

(v) The dimension and location of all public water and sewer lines from which the property is to be served.

(vi) The location and approximate dimension of all points of access to a public street or road.

(vii) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this zoning ordinance are being observed.

(viii) Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

(b) Site plans required for all other buildings and activities.

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of § 14-803(2)(a). Unless otherwise specified, the reviewing agency shall be the Manchester Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this zoning ordinance, but such proposals shall also be reviewed by the planning commission.

The following information shall be included in the site plan:

(i) General location sketch map at a scale not smaller than 1"=2,000', showing:

(A) The approximate boundaries of the site.

(B) External (public access streets or roads in relation to the site).

(C) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.

(D) Any public water and sewer systems in relation to site.y

(ii) Site plan drawn at a scale no smaller than 1"=200', showing:

(A) The actual shape, location, and dimensions of the lot.

(B) The shape, size, and location of all buildings or other structures already on the lot.

(C) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.

(D) Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.

(E) Location of all driveways and entrances.

(F) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)

(G) Location of all accessory off-street loading berths.

(H) Location of open space.

(I) Proposed ground coverage, floor area, and building heights.

(J) Position of fences and walls to be utilized for screening (materials specified).

(K) Position of screen planting (type of planting specified).

(L) Proposed means of surface drainage, including all drainage ways and facilities.

(M) Location of all easements and rights-of-way.

(N) Location of areas subject to flooding.

(O) Location and size of all utilities, including all fire hydrants.

(P) Location, type, and size of proposed signs.

(iii) The planning commission as the reviewing body may:

(A) Recommend approval of the plan as submitted to the building inspector.

(B) Recommend disapproval of the plan.

(C) Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

(iv) Additional requirements for commercial and industrial buildings.

(A) Applicability. These additional requirements apply to all new construction, including additions, requiring the issuance of a building permit in all commercial and industrial zoning districts being used as such (except the historical zoning overlay district and inside the Manchester Industrial Park) shall comply with this section.

(B) Plan required. In addition to the site plan described above, an architectural plan is required. It must include scale architectural drawings of the building elevations for all sides of a structure(s) that face a public street or right-of-way or adjacent properties zoned for residential use with materials identified for walls, roofs, trim and windows. The drawings should be of sufficient detail to explain the type of proposed exterior finishes. Material samples may be required if deemed necessary in the review process.

(C) Approval process. In addition to the site plan, the architectural plan must be submitted and must be approved by the planning commission. The planning commission may approve, approve with conditions or disapprove any application.

(D) Exterior materials required. Exterior construction must be of the following building materials which shall be applied to all sides of a structure(s) that face a public street or right-of-way or adjacent properties zoned for residential use. The side of a structure includes all visible vertical surfaces including foundation, walls, fascias, parapets and mansards.

- (1) The following materials are acceptable:
 - (a) Brick
 - (b) Split face block, provided it is tinted or painted
 - (c) Wood
 - (d) Glass
 - (e) Stone
 - (f) Tile
 - (g) Marble
 - (h) Fiber cement siding
 - (i) Stucco, E.I.F.S. or similar material
 - (j) Manufactured pre-cast and tilt-up concrete panels
 - (k) Similar materials with the approval of the planning commission.

(2) All other materials are prohibited, including the following:

- (a) Standard concrete block
- (b) Vinyl or aluminum siding
- (c) Exposed or corrugated metal siding and panels
- (d) Fiberglass siding
- (e) Any other material not specifically listed as an acceptable material or approved by the planning commission.

(3) The planning commission may approve the use of prohibited building materials when being placed on additions to existing structures to maintain continuity.

(E) Mechanical and similar equipment. Mechanical and similar equipment on roofs or sides of buildings and structures, such as air conditioner units, exhaust fans, vents, satellite dishes and similar devices shall be screened fully from view from ground level.

(3) Fee. The Manchester City Commission shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the office of the building inspector and city hall. Only the city commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

(4) Issuance of permit. If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this zoning ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this zoning ordinance.

(5) Construction progress. Any building permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (1972 Code, § 11-803, as amended by Ord. #1480, Jan. 2016, Ord. #1496, Sept. 2016, and Ord. #1520, March 2017)

14-804. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the city building inspector, as provided for in § 14-508, of this zoning ordinance. Application for a temporary use permit shall be made in writing to the building inspector on the form provided for that purpose. A

schedule of fees shall be established by the Manchester City Commission. Such schedule shall be posted in the office of the building inspector and city hall. Until the appropriate fee has been paid in full, no action shall be taken on any application. (1972 Code, § 11-804)

14-805. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this zoning ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with provisions of this zoning ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. (1972 Code, § 11-805)

14-806. Board of zoning appeals. In accordance with, Tennessee Code Annotated, § 13-7-205, a Manchester Board of Zoning Appeals, consisting of all members of the Manchester Regional Planning Commission, is hereby established.

(1) Term of office of board members, removal, and vacancies. All members of the board of zoning appeals shall serve terms concurrent with their term as members. All members of the board of zoning appeals shall serve with such compensation as may be fixed by the city commission and may be removed from membership on the board of zoning appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said board of zoning appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

(2) Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records and action taken thereon. The records and minutes shall be filed in the office of the building inspector and shall be of public records.

(3) Appeals to the board. An appeal to the Manchester Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the building inspector based in whole or in part upon the provisions of this zoning ordinance. Such appeal shall be taken by filing with the board of

zoning appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken.

The board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

(4) Powers of the board. The board of zoning appeals shall have the following powers:

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

(b) Special exceptions. To hear and decide applications for special exceptions as specified in this zoning ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the board of zoning appeals is authorized to pass.

(c) Variances. To hear and decide applications for variances from the terms of this zoning ordinance.

(5) Rules and regulations of the board. The board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

(a) The presence of three (3) members of the board shall constitute a quorum and the concurring vote of at least three (3) members of the board shall be necessary to deny or grant any application before the board.

(b) No action shall be taken by the board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Coffee County at least ten (10) days before the hearing of an appeal. Appeals shall be considered and heard by the board within thirty (30) days after filing such appeal. If new information is uncovered regarding an action that could not have been reasonably presented in a public hearing before the board, the board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

(c) The board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board as may be reasonably required.

(d) The planning commission shall be permitted to submit an advisory opinion on any matter before the board and such opinion shall be made part of the record of such public hearing.

(e) Any officer, agency, or department of the county or other agency, or department of the county or other aggrieved party may appeal

any decision of the board to a court of competent jurisdiction as provided for by state law.

(f) Any decision made by the board on a special exception shall indicate the specific section of this zoning ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.

(g) Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the board, good, and sufficient cause being shown.

(h) At the public hearing of the case before the board, 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.

(6) Stay of proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of zoning appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the building inspector, and on due cause shown.

(7) Liability of board members, building inspectors and employees. Any board member, building inspector, or other employee charged with the enforcement of this zoning ordinance, acting for the City of Manchester, within the scope of the responsibilities assigned him under this zoning ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building inspector, or employee charged with the enforcement of any provision of this zoning ordinance shall be defended by legal representatives furnished by the city, until the final termination of such proceedings.

(8) Right of entry upon land. Upon notice to property owners, the board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this zoning ordinance.

(9) Rehearings. (a) No rehearing of the decision by the board shall be had except:

- (i) On motion to reconsider the vote; or
- (ii) On a written request for a hearing.

(b) If the motion to reconsider receives a majority affirmative vote, the board of zoning appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the board may, by resolution in each case, stipulate.

(c) No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the board on a date to be set by the board.

(d) No rehearing for a variance shall be granted and applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this chapter. (1972 Code, § 11-806)

14-807. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this zoning ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this zoning ordinance.

(1) Application. After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the board of zoning appeals.

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

(3) Fee. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

(4) Standards for variances. The board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the board shall ascertain that the following criteria are met:

(a) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this zoning ordinance were carried out must be stated.

(b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

(c) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this zoning ordinance to other land structures, or buildings in the same district.

(d) Financial returns only shall not be considered as a basis for granting a variance.

(e) The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

(f) The variance will not authorize activities otherwise excluded from the particular district in which requested.

(g) That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this zoning ordinance.

(h) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.

(i) That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this zoning ordinance.

(5) Restrictions and variances. (a) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(b) 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.

(c) The board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in § 14-807(3) above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this zoning ordinance. The board may

establish expiration dates as a condition or as a part of any variances. (1972 Code, § 11-807, as amended by Ord. #826, Aug. 1998)

14-808. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the board of zoning appeals. The procedure shall be the same whether review is required under Tennessee Code Annotated, § 13-7-206, by this zoning ordinance, or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

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

(2) General requirements. A conditional use permit (a special exception) shall be granted provided the board finds that it:

(a) Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

(b) Will not adversely affect other property in the area in which it is located.

(c) Is within the provision of "special exceptions" as set forth in this zoning ordinance.

(d) Conforms to all applicable provisions of this zoning ordinance for the district in which it is to be located as well as the provisions cited in § 14-808, necessary for public convenience in the location planned.

(3) Criteria for review. Prior to the issuance of a special exception, the board shall make written findings certifying compliance with the specific rules governing individual special exceptions § 14-808, and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(b) Off-street parking and loading areas where required, with particular attention to the items in item (a) above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.

(c) Refuse and service areas, with particular reference to the items in (a) and (b), above.

(d) Utilities, with reference to locations, availability, and compatibility.

(e) Screening and buffering with reference to type, dimensions and character.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

(g) Required yard and other open space.

(h) General compatibility with adjacent properties and other property in the district.

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

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

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

(7) Special exceptions appeals. Any person or agency of the county government may appeal to a court of competent jurisdiction from the board's decision as provided under statutes of the State of Tennessee. The judgement and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction. A fee of twenty-five dollars (\$25.00) shall be charged to cover review and processing of each application for a special exception.

(8) Specific standards for residential activities. A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

(a) Special conditions for multi-family dwelling and mobile home park activities. In addition to the standards contained elsewhere in this zoning ordinance for these type developments, the board of appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining, structures, and suitability of the site for the use and such other factors as the board may deem necessary.

(b) Special conditions for rooming houses, boarding houses and bed and breakfast inns.

(i) No exterior alterations, other than those necessary to ensure safety of the structure shall be made.

(ii) There must be at least three hundred (300) square feet of gross floor area for each rental unit and not use more than fifty (50) percent of the floor area of the principal residence.

(iii) There shall be no more than eight (8) guest rooms available for rental.

(iv) Each guest room will require a minimum of one (1) parking space for each room exclusive of the parking required for the residential use. All parking area must be in a side or rear yard when feasible.

(v) The owner of the inn is required to reside in the principal structure.

(vi) No food preparation for persons other than guests shall be prepared on premises and no rented rooms shall contain cooking facilities.

(vii) Each establishment shall be limited to one (1) street graphic, no more than three (3) square feet and four (4) feet in height.

(viii) All rental rooms shall have available sanitary facilities in compliance with all local health laws and are subject to inspection by local health officials.

(ix) Construction performed on guest rooms must be in compliance with the provisions set forth by local fire codes and are subject to inspection by the fire marshall.

(9) Specific standards for community facility activities. In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

(a) Special conditions for administrative services. (i) There must be a demonstrated need for such activities to serve the neighborhood or the total community.

(ii) All lot, yard, and bulk regulations of the zone district shall apply.

(iii) Appropriate off-street parking requirements shall apply.

(iv) Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

(v) The site and architectural plans shall be approved by the planning commission.

(b) Day care centers. For purposes of this zoning ordinance day care facilities are classified into two types as defined below:

"Day care home" includes day care in an occupied residence of not more than seven (7) children including children living in the home.

"Day care center" includes day care for more than seven (7) preteenage children in any kind of building.

(i) Day care home. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

(ii) Day care center. (A) No such facility shall be permitted on a zone lot unless it contains a minimum of forty thousand (40,000) square feet.

(B) All bulk and setback regulations of the district shall be met.

(C) One (1) accessory off-street parking space for each five (5) children accommodated in the child care facility shall be provided.

(D) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.

(E) All regulations of the State of Tennessee that pertain to the use shall be met.

(F) The facility, shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

(G) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

(H) The site and architectural plans of such a facility shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(c) Special conditions for all other personal and group care activities.

(i) No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.

- (ii) All bulk regulations of the district shall be met.
 - (iii) The requirements of the accessory off-street parking regulations of this zoning ordinance shall apply.
 - (iv) All regulations of the State of Tennessee shall be met.
 - (v) All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.
- (d) Special conditions for community assembly. (i) No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that it such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- (ii) All bulk regulations of the zone district shall apply.
 - (iii) Off-street parking. (A) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - (B) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
 - (iv) Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
 - (v) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
 - (vi) All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.
- (e) Special conditions for cultural and recreational services.
- (i) No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
 - (ii) All bulk regulations of the district shall apply.

(iii) The off-street parking requirements of this zoning ordinance shall apply.

(iv) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect an properties within the surrounding area.

(v) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

(vi) The site and architectural plans shall first be approved by the planning commission taking into account the above conditions.

(f) Special conditions for community education. (i) No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.

(ii) The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.

(iii) The location and design of such facilities shall not have an adverse effect upon surrounding properties.

(iv) The off-street parking requirements of this zoning ordinance shall apply.

(g) Special conditions for health care. (i) Minimum lot area.

(A) No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

(B) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

(ii) The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).

(iii) All other regulations of the district shall apply.

(iv) There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

(v) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

(vi) All public utilities and sewage disposal shall be available and connected to the site.

(vii) The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(viii) The following activity classes and types may be permitted accessory to the health care activities provided they appropriately complement the health care activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district;

(A) Community facility activities.

(B) Commercial activities.

Convenience sales and services

Automotive parking

Food service

Medical service

(h) Special conditions for intermediate and extensive impact.

(i) The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

(ii) The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.

(iii) The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

(iv) The off-street parking requirements shall be determined by the board taking into account characteristics of the use.

(v) The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

(i) Special conditions for essential public transport, communication, and utility services.

(i) The location of such facility shall be within an area in order to provide the most efficient service to the community.

(ii) All of the bulk regulations of the zone district shall apply.

(iii) The location of such facility shall not materially increase traffic on surrounding streets.

(iv) The location of such a facility shall not have an adverse effect on surrounding properties.

(v) There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.

(vi) The site plan for such facility is first approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(j) Special conditions for religious facilities. (i) No such facilities shall be permitted on a zone lot unless it contains one (1) acre.

(ii) The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.

(iii) All bulk regulations of the district shall be met.

(iv) The off-street parking requirements of this zoning ordinance shall apply.

(10) Specific standards for commercial activities. A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

(a) Special conditions for group assembly activities.

(i) The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.

(ii) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

(iii) The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.

(iv) The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

(v) When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

(A) The minimum size site shall be twenty-five (25) acres.

(B) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

(C) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.

(D) Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

(E) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.

(F) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.

(G) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

(H) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

(vi) When an application for a group assembly permit includes a private campground, the following standards shall be met:

(A) Such campground shall have on site management.

(B) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.

(C) Such campground shall meet the following standards:

Minimum size - Ten (10) acres.

Maximum density - Ten (10) campsites per gross acre.

Sanitary facilities, including flush toilets and showers-Within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - One (1) spigot for each four (4) campsites.

Trash receptacle - One (1) for each two (2) campsites.

Parking - One (1) space per campsite.

Picnic table - One (1) per campsite.

Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(D) Such campground shall meet the following design requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty-two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

(b) Special conditions for adult entertainment business. (i) No establishment shall be located within fourteen hundred (1,400) feet (measured property line to property line) of any church, school ground, college campus or park.

(ii) All establishments shall be located at least seven hundred fifty (750) feet (measured property line to property line) from any other adult entertainment business.

(iii) No establishment shall be located within one thousand (1,000) feet (measured property line to property line) from any residential zoned property.

(iv) Be in compliance with all sections of Tennessee Code Annotated, §§ 7-51-1101 through 7-51-1121.

(11) Specific standards for agricultural and extractive activities. A special exception permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(a) Special conditions for mining and quarrying activities.

(i) The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

(ii) Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:

(A) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

(B) Location of the area in which the proposed quarrying activity is to be conducted.

(C) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.

(D) Proposed method of drainage of the quarry area.

(E) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.

(F) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

(G) Methods proposed to control noise, vibration and other particulate matter.

(H) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.

(iii) Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.

(iv) Before issuing a permit the board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the planning commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.

(v) Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application.

(vi) The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

(b) Special conditions for commercial storage of explosives.

(i) The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.

(ii) Such facility shall not be located on a site having an area of less than fifty (50) acres.

(iii) All regulations of the state fire marshall relating to the storage of explosives shall be met.

(iv) Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.

(v) The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use of such facilities.

(12) Specific standards for intermediate manufacturing activities.

(a) Specific standards for intermediate manufacturing activities.

A special exception permit shall not be granted unless the standards below are met:

(i) The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.

(ii) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

(b) Specific standards for extensive manufacturing activities.

A special exception shall not be granted unless the standards below are met:

(i) No such facility shall be located on a lot unless such lot contains at least one (1) acre.

(ii) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

(iii) State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.

(iv) The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility. (1972 Code, § 11-808, as amended by Ord. #816, May 1998, and Ord. #873, March 2000)

14-809. Amendments to the resolution. The regulations, restrictions, and boundaries set forth in this zoning ordinance may from time to time be amended, supplemented, changed, or repealed by the Manchester Commission. Any member of the city commission may introduce such legislation, or any official, board, or any other person may present a petition to the city commission requesting an amendment or amendments to this zoning ordinance.

No amendment to this zoning ordinance shall become effective unless it is first submitted to the Manchester Regional Planning Commission for review and recommendation. The planning commission shall have sixty (60) days within which to submit its recommendation to the city commission. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the city commission to become effective. If the planning commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted

to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the city commission.

Before finally adopting any such amendment, the city commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the city or in a newspaper of general circulation in the city.

A fee of two hundred dollars (\$200.00) due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Manchester to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

(1) Application for rezoning. A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Manchester Planning Commission. Said application shall contain:

(a) The name and address of the owner and/or owners of the subject property and the written certification of the authorized agent.

(b) A written legal description of the subject property including the Coffee County tax plat number and acreage.

(c) A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.

(d) The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

(e) Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information:

(i) Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.

(ii) Dimensions in feet of property to be rezoned.

(iii) All roads and easements within or adjoining property to be rezoned.

(iv) Location, size, type and current use of any building on the property requested for rezoning.

(v) Location of the adjoining property owners in relation to the property to be rezoned.

(2) Signage required on property being considered for rezoning. When an application for rezoning has been filed with the Manchester Planning Commission, the health and codes administrator shall instruct the street department to place a sign on the property which is at least 48" by 48" in size and clearly visible from the street right-of-way to notify the public of the rezoning application.

The sign shall be in place at least ten (10) days before the rezoning application is considered by the planning commission and shall remain on the property as long as the rezoning is being considered either by the Manchester Planning Commission or the board of mayor and aldermen.

The applicant shall cause the corners of the property to be clearly staked and flagged while the sign is in place. (1972 Code, § 11-809 and § 11-809.1, as amended by Ord. #750, Dec. 1995; Ord. #826, Aug. 1998; and Ord. #1126, Nov. 2005)

14-810. Zoning and subdivision fees. These zoning and subdivision fees must be paid to the City of Manchester at the time the following services are requested:

Amendment to official zoning map	\$200.00
Amendment to zoning ordinance	\$200.00
Site plan (per plan)	\$200.00
Preliminary plat (per lot)	\$ 15.00
Final plat (per lot)	\$ 10.00
Construction plans (sub set)	\$400.00
Request for variance	\$100.00
Temporary use permit	\$100.00
Special exception	\$100.00

(Ord. #826, Aug. 1998, as replaced by Ord. #925, April 2001, and Ord. #1127, Nov. 2005)

14-811. Penalties. Any persons violating any provisions of this zoning ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense. (1972 Code, § 11-810)

14-812. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this zoning ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (1972 Code, § 11-811)

14-813. Validity. Should any section, clause, or provision of this zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of this zoning ordinance

as a whole or any other part of this zoning ordinance be judged invalid or unconstitutional. (1972 Code, § 11-812)

14-814. Interpretation. Whenever the conditions of this zoning ordinance are less restrictive than comparable conditions imposed by any other provision of this zoning ordinance or any other regulation, the provisions which are more restrictive shall govern. (1972 Code, § 11-813)

14-815. Effective date. This zoning ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it. (1972 Code, § 11-814)

CHAPTER 9

[this chapter was repealed by Ord. #1527, May 2017]

CHAPTER 10**MUNICIPAL FLOODPLAIN ZONING ORDINANCE****SECTION**

- 14-1001. Provisions governing floodway and flood fringe districts.
- 14-1002. Definitions.
- 14-1003. General provisions.
- 14-1004. Administration.
- 14-1005. Provisions for flood hazard reduction.
- 14-1006. Variance procedures.

14-1001. Provisions governing floodway and flood fringe districts.**(1) Intent and objectives. (a) Finding of fact.**

(i) The Manchester Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

(ii) Areas of Manchester 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.

(iii) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(b) 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:

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

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

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

- (iv) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
 - (v) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- (c) Objectives. The objectives of this ordinance are:
- (i) To protect human life, health and property;
 - (ii) To minimize expenditure of public funds for costly flood control projects;
 - (iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (iv) To minimize prolonged business interruptions;
 - (v) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
 - (vi) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
 - (vii) To ensure that potential home buyers are notified that property is in a floodable area; and
 - (viii) To maintain eligibility for participation in the National Flood Insurance Program. (as added by Ord. #1196, April 2008)

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

- (a) Accessory structures shall not be used for human habitation.
- (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 which may result in damage to other structures.
- (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

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

(4) "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.

(5) "Area of shadow 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.)

(6) "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.

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

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

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

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

(11) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (see "structure")

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

(13) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or

shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(14) "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.

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

(16) "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.

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

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

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

(20) "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).

(21) "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.

(22) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

(23) "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.

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

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

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

(28) "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.

(29) "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.

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

(31) "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.

(32) "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.

(33) "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.

(34) "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.

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

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

(37) "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.

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

(39) "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 preliminary 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior.

(40) "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.

(41) "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.

(42) "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.

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

(44) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

(46) "Mean-sea-level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which Base Flood Elevations (BFEs) shown on a community's flood insurance rate map are referenced.

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

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

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

management ordinance and includes any subsequent improvements to such structure.

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

(51) "100-year flood" see "base flood."

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

(53) "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; and

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

(54) "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.

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

(56) "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, A1-3D, AE, A99, or AH.

(57) "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.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of the administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

(60) "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.

(61) "Substantial improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent(50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial repair or improvement; or

(b) In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

(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 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

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

(62) "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.

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

(64) "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.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #1196, April 2008)

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

(2) Basis for establishing the areas of special flood hazard. The Areas of Special Flood Hazard identified on the Manchester, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) Community Panel Numbers 47031C0113C, 47031C0114C, 47031C0192C, 47031C0201C, 47031C0202C, 47031C0204C, 47031C0206C, 47031C0208C, 47031C0211C, and 47031C0212C, dated August 4, 2008, 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 Manchester, 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. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Manchester, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #1196, April 2008)

14-1004. Administration. (1) Designation of ordinance administrator. The building inspector 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 BFEs are available, or to 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 BFEs are available, or to the highest adjacent grade when applicable under this ordinance.

(iii) Design certificate from a registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-1004(2)(b).

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

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

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

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

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

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

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

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the letter of map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(e) Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable of the lowest floor including

basement of all new or substantially improved buildings, in accordance with § 14-1004(2).

(f) Record the actual elevation; in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with § 14-1004(2).

(g) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with § 14-1004(2).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(i) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this ordinance.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-1002 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2).

(j) All records pertaining to the provisions of this ordinance shall be maintained in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #1196, April 2008)

14-1005. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements to existing buildings 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; and,

(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.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

(a) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of § 14-1005(2).

Within unnumbered A-Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-1002 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2).

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

Within unnumbered A-Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-1002 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2).

Buildings located in all A-Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-1004(2).

(c) Elevated building. All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet 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 (1) foot above the finish grade; and

(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) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-1005(2), of this chapter.

(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, including elevations and anchoring.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or

(B) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of § 14-1005(2)(d) of this chapter.

(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 on identified flood hazard sites 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.

(C) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

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

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in § 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 developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated

development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 14-1005.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the areas of special flood hazard established in § 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 structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-1005(2).

(5) Standards for streams without established base flood elevations or floodways (A-Zones). Located within the areas of special flood hazard established in § 14-1003, where streams exist, but no base flood data has been provided (A-Zones), or where a floodway has not been delineated, the following provisions shall apply:

(a) When base flood elevation data or floodway data have not been provided in accordance with § 14-1003, then the administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of § 14-1005. Only if data is not available from these sources, then the following provisions (b) and (c) shall apply:

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one

(1) foot at any point within the community. The engineering certification should be supported by technological data that conforms to standard hydraulic engineering principles.

(c) In special flood hazard areas without base flood elevation data; new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 14-1005(2), and "elevated buildings."

(6) Standards for areas of shallow flooding (AO and AD Zones).

Located within the areas of special flood hazard 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 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 (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 14-1005(2) and "elevated buildings."

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in § 14-1004(2).

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

(d) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-1003 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-1004, and § 14-1005(1) shall apply.

(8) Standards for unmapped streams. Located within Manchester, 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) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

(b) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-1004. (as added by Ord. #1196, April 2008)

14-1006. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard within Manchester, Tennessee.

(1) Board of zoning appeals. (a) The Manchester 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 (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(c) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(i) The danger that materials may be swept onto other property to the injury of others;

(ii) The danger to life and property due to flooding or erosion;

(iii) The susceptibility of the proposed facility and its contents to flood damage;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(d) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

(e) Variances shall not be issued within any designated floodway 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 in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (as added by Ord. #1196, April 2008)

CHAPTER 11

PLANNED UNIT DEVELOPMENTS

SECTION

- 14-1101. Purpose.
- 14-1102. General provisions.
- 14-1103. Administrative procedure.
- 14-1104. Residential planned unit developments.
- 14-1105. Commercial planned unit developments.
- 14-1106. Schedule of permit fees for planned unit developments.

14-1101. Purpose. Planned Unit Development (PUD) districts are designed:

- (1) To promote flexibility in design and permit planned diversification in the location of structures;
- (2) To promote efficient use of land that will facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
- (3) To preserve, as much as possible, existing landscape features and utilize them in a harmonious fashion;
- (4) To encourage the total planning of tracts of land; and
- (5) To provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. (as added by Ord. #1301, June 2011)

14-1102. General provisions. This chapter is intended to provide the means and guidelines through which tracts of land may be developed with an overall unified approach rather than the traditional lot-by-lot treatment.

(1) The planning commission may consider and adopt a PUD preliminary master plan which satisfies the following criteria:

(a) The proposed development will not unduly injure or damage the use, value or enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and long-range development plans for the City of Manchester.

(b) An approved water distribution system, wastewater collection system, and storm water drainage system is available or will be provided by the developer, at developer's expense, to serve the proposed development.

(c) The proposed development reflects an effort by the developer to plan land uses within the PUD so as to blend harmoniously with adjacent land uses. The location and arrangement of structures, parking areas, pedestrian walkways, lighting, and other service facilities is compatible with the surrounding land uses.

(d) Screening consisting of fences, walls, and/or vegetative materials is provided along the edges of the proposed development where needed to protect the development from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining property from similar adverse influences within the PUD.

(e) Any part of the proposed development not used for structures, parking, or other service facilities is landscaped or otherwise improved except where natural features are such as to justify preservation.

(f) Any modification of the zoning ordinance, sign ordinance, or subdivision regulations which would otherwise be applicable to the site are warranted by the design of the preliminary master plan and the amenities incorporated therein, and are not inconsistent with the public interest.

(g) A development association, or some other responsible party/entity is provided for to maintain any and all common open space and/or common elements, unless conveyed to a public body which agrees in advance to maintain such features.

(2) Modification of zoning district regulations. The uniqueness of each PUD may require that bulk regulations within the zoning ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD, provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to mayor and board of aldermen considering approval of the preliminary master plan. No modification of the bulk regulations contained in the zoning ordinance may be permitted when such proposed modification will result in:

(a) Inadequate or unsafe access to the PUD;

(b) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network. A traffic study may be required;

(c) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or

(d) A development which is incompatible with the purposes of this chapter.

Any exceptions which are granted as part of the PUD's preliminary master plan shall supersede any conflicting zoning ordinance restrictions. In no case, however, shall the use or densities be varied except as herein provided. The property within a required setback may either be part of the individual lots or common open space.

(3) Modification of sign ordinance regulations. The uniqueness of each PUD may require that regulations within the sign ordinance be modified.

Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to the final plan approval. No modification of the sign ordinance may be permitted when such proposed modification will result in:

- (a) Inadequate or unsafe access or visibility to or within the PUD; or
- (b) A development which is incompatible with the purposes of this chapter.

Any exceptions which are granted as part of the PUD's preliminary master plan shall supersede any conflicting sign ordinance regulations.

(4) Relationship to subdivision regulations. The uniqueness of each PUD may require that regulations within the subdivision regulations be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to approval of the final plan. No modification of the subdivision regulations may be permitted when such proposed modification will result in:

- (a) Inadequate or unsafe access to the PUD;
- (b) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;
- (c) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or
- (d) A development which is incompatible with the purposes of this chapter.

Any exceptions which are granted as part of the PUD's preliminary master plan shall supersede any conflicting subdivision regulations.

(5) Relationship to zoning districts. PUDs shall be permitted in all residential and commercial zoning districts with the exception of the C-1 (Central Business District). Uses within a PUD shall be as permitted by the underlying zoning regulations. The number of dwelling units in the PUD shall be calculated by dividing the gross acreage by the minimum lot size of the underlying zoning district.

(6) Development period, staging schedule. The expeditious construction of all PUDs shall be undertaken to ensure completion of the development in accordance with the approved preliminary master plan.

(a) Start of development. Within one (1) year after approval of the preliminary master plan by the planning commission, and after a public hearing, a final site plan or final subdivision plat shall be acted upon by the planning commission. Within one (1) year of approval of a final site plan actual construction shall have commenced. Within two (2) years of approval of a final subdivision plat actual construction shall have commenced.

In the event that a final site plan or final subdivision plat is not acted upon within one (1) or two (2) years of approval of the preliminary master plan respectively, the planning commission may cancel the preliminary master plan. Such cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related base rezoning being considered.

(b) Time extension. The developer may request an extension of the preliminary master plan in one (1) year increments. Approval of any time extension is at the discretion of the planning commission, however, the total time extension shall not exceed two (2) years without re-approval being granted by the planning commission. When considering approval of a time extension, the planning commission may recommend the preliminary master plan be modified to comply with regulations adopted since the PUD was approved and/or changes to the surrounding properties. Any modifications to the adopted PUD, either as requested by the developer or recommended by the planning commission, shall comply with the regulations for amending a PUD as outlined herein.

(c) Phasing of development. The planning commission may permit the development to be constructed in phases so that completion is achieved in a logical manner. Each phase shall be so planned and relate to existing surroundings that failure to proceed to subsequent phases will not have an adverse impact on the PUD or its surroundings.

(d) Completion of development. If the planning commission elects to permit the phasing of development, the following provisions shall be complied with:

(i) The phasing plan shall include information regarding the construction of improvements such as streets, drainage facilities, water lines, sewer lines, landscaping, etc.

(ii) The phasing plan shall include information regarding what will be included in each phase, the order in which phases will be constructed and an approximate date that construction will begin and end.

(e) From time to time it may be necessary to modify any approved phasing plan. Any request to modify the phasing plan shall be submitted in writing by the landowner and/or developer and will be considered as an amendment to the preliminary master plan.

(7) Dedication of and relation to public facilities. (a) The planning commission may require that suitable areas for streets, sidewalks, utilities, public rights-of-way, schools, parks, or other public areas be set aside and/or dedicated to the city.

(b) PUDs shall be so located in relation to public sanitary sewers, public water lines, storm and drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required by the city. If any such improvements are required as part of the proposed development, it shall be the responsibility of the developer/landowner to install and pay for such improvements.

(8) Buffer and screening. Minimum landscape buffer depths and related improvements are outlined for residential and commercial PUDs in this chapter. These minimum buffer depths are required in order to provide a buffer between existing development and the proposed PUD and ensure that the proposed PUD complements its surroundings. The minimum buffer requirements shall be measured from the property lines and may consist of either common open space or be included as part of individual lots. If the minimum buffer is provided as common open space, a specific minimum building setback for the individual lots shall be stated in the preliminary master plan.

(9) Landscaping. Landscaping requirements are outlined for residential and commercial PUDs in this chapter. Landscaping may be provided within the public right-of-way so long as such request is specifically made by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding the provision of landscaping in the public right-of-way prior to approval of the preliminary master plan. If landscaping is proposed to be provided in the public right-of-way, the planning commission shall, as part of their consideration, approve an agreement allowing for the placement of landscaping within the public right-of-way. When considering such request, the planning commission should take the following into account:

(a) Provisions stated for the maintenance of any landscaping by a homeowners' or property owners' association of all landscaping within the right-of-way;

(b) The City of Manchester shall not be required to incur any expense related to the installation, maintenance, upkeep, and/or removal of the proposed landscaping; and

(c) Any proposed landscaping must be placed in a manner which takes into consideration the safety of drivers and pedestrians; and

(d) The city shall not be held liable for any claims arising out of the installation of the proposed landscaping.

(10) Waiver of board of zoning appeals action. No action of the board of zoning appeals shall be required in the approval of a PUD with the exception of those activities, which would otherwise require use on appeal permits. With

respect to the approval of a PUD, the action of the planning commission shall be final. After approval of a preliminary master plan, requests for variances for issues such as setback violations, special use permits and the like shall follow the regulations found in the zoning ordinance.

(11) All utility lines, public and private, within the development shall be placed underground unless otherwise approved by the planning commission. (as added by Ord. #1301, June 2011)

14-1103. Administrative procedure. (1) Steps of approval process. Development plans submitted as part of a PUD shall be submitted in a form that will satisfy the requirements of the subdivision regulations for subdivision plats and/or zoning ordinance requirements for site plans. Review of the subdivision plat or site plan shall be carried out simultaneously with any other requested review of the PUD.

(2) Application for approval of the preliminary master plan. Prior to submitting a PUD application, the developer/landowner shall have a pre-application conference with members of the appropriate planning departments. Requirements of the zoning ordinance and subdivision regulations shall apply to all PUDs unless a waiver is granted as part of the preliminary master plan. An application shall be submitted to the planning commission, along with all documentation as required in these regulations. The planning commission will consider approval of the preliminary master plan.

(3) Application for final developer/subdivision plat/site plan approval. After a PUD preliminary master plan has been approved, the developer/landowner may make application to the planning commission for approval of a final subdivision plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary master plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the requirements and review procedure for a site plan or final subdivision plat. Final plat/plan approval may be requested and granted in phases. The final subdivision plat/site plan application shall include a copy of the preliminary master plan showing the overall development, any applicable covenants and/or restrictions, and other required drawings, specifications, easements, conditions and forms of bonds as were set forth by the planning commission's approval of the preliminary master plan. Copies of all legal documents required for dedication or reservation of common open space and/or for the creation of a non-profit association shall also be submitted. Any deviations from the preliminary master plan and/or phasing plan shall be provided in writing. As part of the submission requirements for site plan approval of all commercial PUDs, architectural drawings and material samples for the proposed buildings, landscaping plans and information relative to the proposed signage and light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(4) Amendments to the PUD. The terms, conditions, and the preliminary master plan of a PUD may be changed from time to time by official action of the planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and shall not modify the mix of uses or increase the overall density. No changes in the type of structures proposed in the preliminary master plan and approved by the planning commission shall be made without returning to the planning commission for approval of an amendment. If a request is made to modify a contingency required as a condition of approval such request for modification shall be required to be considered by the planning commission regardless of the scope of the requested modification.

The landowner/developer, residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the preliminary master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, sitting, and height of buildings, may be authorized by the planning commission based on a recommendation from the planning departments or other city staff. Changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change shall also require approval of the planning commission and must be justified by changes in conditions or markets since approval of the preliminary master plan.

(5) Cancellation of an adopted PUD. In the event that a final site plan or final subdivision plat is not acted upon within one (1) year of approval of the preliminary master plan, or the phasing plan approved as part of the preliminary master plan is not being followed, the planning commission may cancel the preliminary master plan. The preliminary master plan may also be cancelled at any time upon written request by the landowner and/or developer. Any cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related rezoning being considered. (as added by Ord. #1301, June 2011)

14-1104. Residential planned unit developments. (1) Purpose. The purpose of the residential planned unit development is to permit the clustering of lots in order to allow the creative design of residential property which is harmonious with the surrounding landscape while maintaining the equity of surrounding property owners. A limited amount of commercial development may be permitted within a residential planned unit development, subject to the regulations outlined within this section. It shall be the burden of the applicant to demonstrate the advantages of the planned unit development over the existing underlying zoning district.

(2) Minimum size. Five (5) acres.

(3) Permitted activities. The following activities may be permitted in a residential PUD only when deemed appropriate by the planning commission

as approved with the preliminary master plan. Any other activities not listed below are prohibited.

- (a) Residential structures:
 - (i) Dwelling one-family attached;
 - (ii) Dwelling one-family detached;
 - (iii) Dwelling two-family attached; or
 - (iv) Dwelling multi-family.
- (b) Commercial activities:
 - (i) Commercial uses as permitted within the underlying zoning; or
 - (ii) Other commercial uses, including retail, as permitted by the planning commission. Any retail uses shall be limited to a maximum of five percent (5%) of the total amount of property within the PUD.

Any commercial development proposed within a residential PUD shall provide development information relative to bulk regulations, building design, screening, off-street parking, loading and vehicular access, signage, and lighting in accordance with the requirements of commercial PUDs.

(4) Density and bulk regulations. (a) The maximum overall number of residential units shall be based on the number of single-family dwellings allowed by the underlying zoning district. This will be calculated by dividing the gross acreage by the minimum lot square footage required by the underlying zoning district. The resulting number will indicate the maximum number of units to be allowed within the RPUD.

(b) Density bonuses, defined as the granting of additional density up to a maximum of sixteen percent (16%), in a development may be granted at the discretion of the planning commission in exchange for a provision by the landowner/developer to incorporate any combination of the following amenities/elements into the planned unit development. Each element may be eligible for a maximum density bonus of four percent (4%), for a total of no more than sixteen percent (16%), for the entire development. Any of these elements may be required by the planning commission:

- (i) The donation of land for a future public use such as a school, park, police or fire station, etc.;
- (ii) Incorporation of a connection to an existing stretch of the City of Manchester or Coffee County bicycle and pedestrian plan;
- (iii) The introduction of street trees and/or ornamental trees along the entire development; or
- (iv) Designation of a portion of the property, currently used as a farming operation, to remain as a permanent agricultural easement.

(c) All buildings within a residential PUD shall be set back a minimum of fifty feet (50') from the periphery side and rear property lines of the site as a whole. Land provided along the perimeter as a landscape buffer may be included in the required fifty foot (50') setback requirement. No principal structures may be placed within these required side or rear setbacks. In no case shall the front setback be less than that required in the underlying zoning district.

(d) All accessory structures, excluding fences, detention basin structures, subdivision walls, retaining walls and certain utility structures, shall comply with the setback requirements for the underlying zoning district or as approved as part of the preliminary master plan. Electrical substations or any other utility building or structure shall comply with the front yard setback requirements of the underlying zoning district.

(e) There shall be a minimum distance of twenty feet (20') between all principal buildings consisting of two (2) or more attached units.

(f) No structure within a residential PUD shall have a maximum height greater than three (3) stories.

(5) Streets. All streets, public and private, shall be built to the standards set forth by the City of Manchester.

(6) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or screening walls.

(7) Landscape buffers. When considering the preliminary master plan the planning commission may require landscape buffers. In the event that such buffers are required the following criteria shall apply:

(a) The landscape buffer shall consist of both land and plant materials.

(b) The landscape buffer shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(c) The landscape buffer shall be a minimum of twenty-five feet (25') in depth and may be located within the peripheral building setback or may be designated as common open space or a combination thereof.

(d) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a final subdivision plat being signed by the appropriate city staff. In the case of townhomes or other multi-family developments, a bond or other adequate assurance

acceptable to the city shall be submitted prior to a building permit being issued.

(e) All existing mature vegetation within the peripheral building setback should be preserved and incorporated into the landscape buffer to the greatest extent possible.

(f) Maintenance of the landscape buffer shall be the responsibility of the development/homeowners' association if part of the common open space or the responsibility of individual homeowners with enforcement of such maintenance by the homeowners' property association.

(8) Common open space. (a) A minimum of thirty percent (30%) of the total property shall be utilized as common open space, which may include land for public use.

(b) Common open space is an essential element of all residential PUDs and every effort shall be made to conserve natural and historic features on the site, including but not limited to:

- (i) Mature stands of trees;
- (ii) The regulatory 100-year floodplain;
- (iii) Wet weather conveyances, springs and streams;
- (iv) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
- (v) Sinkholes;
- (vi) Slopes above twenty-five percent (25%) of at least five thousand (5,000) square feet of contiguous area; and
- (vii) Unique topographic features, and endangered species habitats.

(c) In order to provide common open space that may be usable and enjoyed by residents in the PUD, a majority of the common open space shall be in a contiguous tract. A system of trails and/or sidewalks should be used to connect the common open space areas. Concrete sidewalks with a width approved by the planning commission shall be required along the frontage of residential units and along the frontage of any associated retail or commercial units and shall provide connectivity of all areas of the development.

(d) Common open space shall be suitably improved for its intended use. Common open space containing natural features worthy of preservation, steep slopes or floodplains may remain in their natural state.

(e) Whenever possible, the common open space should adjoin neighboring areas of common open space or otherwise protected lands.

(f) Buildings may be constructed in the common open space if they relate to, and are accessory to, the intended use of the common open space. Large areas of impervious surface shall be excluded from the common open space calculations.

(g) Common open space shall be directly accessible to the largest practicable number of residential lots within the development. Non-adjointing lots shall be provided with safe, convenient pedestrian access to the common open space.

(h) Common open space shall be pedestrian friendly.

(i) Recreation fields and related facilities are allowed within the required common open space.

(j) Agricultural easements may be used to meet the required percentage of common open space. In such an easement, the existing property owner, as well as any subsequent lessee or property owner, will be allowed to continue the current agricultural practices on the property. The agricultural easement agreement shall be shown on the preliminary master plan as well as described in detail within the covenants and restrictions of the residential PUD's homeowners' association.

(9) Ownership and management of common open space. (a) The preliminary master plan shall state, or graphically show, the common open space that is proposed to be constructed with each phase of development. The common open space shall be phased and constructed, so that failure to proceed with subsequent phases will not negatively impact the overall development.

(b) Prior to a final subdivision plat being signed by the appropriate city staff or building permits being issued in the case of townhome or other multi-family development, the landowner/developer shall provide a bond or other adequate assurance acceptable to the city that any proposed improvements within the common open space will be completed in a timely manner.

(c) The landowner/developer shall identify the owner of the common open space who is responsible for maintaining the common open space and any facilities located thereon. If some type of property owners' association is the owner, membership in the association shall be mandatory and automatic for all property owners in the development and their successors. If a homeowners' association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and any facilities located thereon in accordance with the approved final plans/plats shall be borne by the owner unless dedicated to a public agency who has agreed to maintain and otherwise be responsible for the property.

(d) In the event that the party responsible for the maintenance of the common open space fails to maintain all or any portion of the common open space in reasonable order and condition, the City of Manchester may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged

to the owner, homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all properties.

(10) Legal instrument for permanent protection of common open space.

The common open space shall be protected in perpetuity by a binding legal instrument which is recorded with the deed. The instrument shall be one (1) of the following:

(a) A permanent conservation or agricultural easement in favor of either:

(i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for the retransfer in the event the organization becomes unable to carry out its functions; or

(ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter. If the entity accepting the easement is not the City of Manchester, then a third right of enforcement favoring the City of Manchester shall be included in the easement.

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Manchester Planning Commission.

The instrument for permanent protection shall include clear restrictions on the use of the common open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the landowner/developer chooses to place on the use of the common open space. (as added by Ord. #1301, June 2011)

14-1105. Commercial planned unit developments. (1) Purpose. The general purpose of a commercial PUD is to allow for the construction of a quality, holistic development using a general design theme creating a sense of place while continuing to allow for a wide range of activities and uses.

(2) Feasibility study. The planning commission, as part of its deliberations, may require a feasibility study/market analysis for any proposed commercial PUD. The study shall provide information to assist the planning commission to better understand how the proposed development serves the public interest. At a minimum, it shall elaborate on the impact the proposed development will have on the long-range development of commercial land in the city, specifically in and around the subject area. The study shall provide information regarding the landowner/developer's financial capability to complete the proposed development, taking into consideration the impact of any proposed

phasing schedule, and provide any other information as may reasonably be requested by the planning commission and/or mayor and board of aldermen.

(3) Minimum size. Three (3) acres.

(4) Permitted activities. Uses permitted in a commercial PUD shall be as regulated by the underlying zoning district unless otherwise permitted by the planning commission as approved with the preliminary master plan. There are no percentage breakdowns for commercial versus residential uses if residential uses are permitted by the underlying zoning district. If residential uses are proposed as part of a commercial PUD, the residential portion of the PUD shall comply with this chapter with the following exceptions:

(a) The minimum percentage of common open space shall be twenty percent (20%); and

(b) The minimum percentage of open space for commercial developments shall be twenty percent (20%).

(5) Density and bulk regulations. Unless modified as part of the preliminary master plan, regulations such as the minimum setbacks, maximum height, etc. shall be governed by the underlying zoning district. No maximum density requirements apply in a commercial PUD.

(6) Building design. As part of the preliminary master plan, information such as architectural drawings, photographs, and/or material samples shall be provided to demonstrate the architectural style of proposed buildings within the PUD. Throughout the PUD, there shall be a consistent theme with respect to architectural style and building materials.

After the preliminary master plan has been approved, and with the submission of site plan applications, architectural drawings and material samples shall be provided to insure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(7) Screening and buffering. When structures or uses in a commercial PUD abut residentially zoned property or uses, whether part of the same PUD or adjacent to the PUD, screening and buffering shall be provided. In the event that screening and buffering is required, the following criteria shall apply:

(a) A landscape buffer shall consist of both land and plant materials.

(b) A screen shall consist of sight-proof fencing or walls of an appropriate height and materials to provide an adequate screen for the subject development and/or the surroundings.

(c) The landscape buffer and/or screen shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(d) The landscape buffer shall be a minimum width of twenty-five feet (25') in depth and may be located within the building setback.

(e) Existing mature vegetation within the buffer area shall be preserved and incorporated into the landscape screening to the greatest extent possible.

(f) Maintenance of the landscape buffer and/or screening shall be the responsibility of the property owners' association if part of the common open space or the responsibility of individual property owners with enforcement of such maintenance by the property owners' association.

(g) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

As part of the preliminary master plan, preliminary landscape plans and/or plats shall be provided to demonstrate the plants and/or other landscape materials to be used throughout the development. Information regarding the spacing of plants and the installation of a fence/wall shall be provided to demonstrate how any necessary screening will be achieved.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD.

(8) Off-street parking, off-street loading, and vehicular access.

(a) Unless otherwise stated in the preliminary master plan, off-street parking and loading spaces shall be provided at each particular phase of development in accordance with the provisions for off-street parking for those particular uses, as contained in the zoning ordinance. As part of the preliminary master plan, the planning commission may recommend and approve off-street parking regulations that do not meet the full extent of the zoning ordinance if justification is provided to substantiate the request. Such justification may include, but is not limited to, information regarding industry standards and/or other municipalities' regulations.

(b) Locations for vehicular access, off-street parking and off-street loading shall be located as to not create conflict with existing and/or proposed vehicular access points. A physical separation such as landscaping and/or fencing shall be provided along the entire street frontage except where access drives are located.

(9) Signage. As part of the preliminary master plan submittal, a comprehensive sign plan shall be provided. The comprehensive sign plan shall consist of information such as drawings, photographs, and/or material samples demonstrating the style of proposed signage within the PUD. Throughout the

PUD, there shall be a consistent theme with respect to materials, type of signage and illumination.

As part of the submission requirements for site plan approval of all commercial PUDs, drawings and material samples for the proposed signage shall be provided to ensure that the proposed signage complies and is compatible with the overall style and general design theme of the PUD.

(10) Lighting. As part of the preliminary master plan, information such as specification sheets, photographs, and/or material samples shall be provided to demonstrate the style of proposed pole and building mounted lighting within the PUD. Throughout the PUD, there shall be a consistent theme with respect to fixture styles and/or materials.

As part of the submission requirements for site plan approval of all commercial PUDs, information relative to the proposed light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. In addition, a photometric plan shall be submitted to staff for review and approval. The maximum illumination level provided at all property lines shall be 0.5 foot candles.

(11) Landscaping. As part of the preliminary master plan, general landscape plats shall be provided to demonstrate the landscaping design and proposed buffers within the PUD. Throughout the PUD, there shall be a consistent theme with respect to use of landscape materials and provision of landscaping.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. (as added by Ord. #1301, June 2011)

14-1106. Schedule of permit fees for planned unit developments.

A permit fee schedule has been established for planned unit developments.¹ (Ord. #1318, Dec. 2011)

¹Schedules of permit fees are available in the office of the city recorder.

CHAPTER 12**STORMWATER ORDINANCE****SECTION**

- 14-1201. General provisions.
- 14-1202. Definitions.
- 14-1203. Land disturbance permits.
- 14-1204. Stormwater system design and management standards.
- 14-1205. Post construction.
- 14-1206. Existing locations and developments.
- 14-1207. Illicit discharges.
- 14-1208. Hot spots.
- 14-1209. General prohibitions.
- 14-1210. Enforcement.
- 14-1211. Penalties.
- 14-1212. Appeal.
- 14-1213. Fee schedule.

14-1201. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Manchester and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(b) Enable the City of Manchester to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the City of Manchester to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City of Manchester Codes Department shall administer the provisions of this ordinance.

(3) Right of entry. The City of Manchester Codes Department, and its designees, shall have the lawful right of entry onto any piece of property within the City of Manchester for the purpose of determining compliance with the provisions of this ordinance. Determining compliance with the provisions of this ordinance may include inspection of construction, commercial, industrial, and municipal facilities, inspection of post construction stormwater controls or other stormwater control structures, investigation of stormwater related complaints, investigation of potential illicit discharges, or any other reasonable purpose that is deemed necessary for the enforcement of this ordinance. Right of entry shall not include entry into any buildings on a property without the notification and acceptance of the building's owner or occupants.

(4) Right to correct violations. It is imperative to the stormwater system and to the quality of the receiving streams that illicit discharges, unacceptable non-stormwater discharges, and other stormwater quality violations be eliminated in a timely manner. If after ample notice from the codes department, a violation has not been corrected by the owner of the property or facility from which the violation is originating, then the codes department may take the necessary measures to have the violation eliminated. All costs associated with the elimination of the violation will be billed back to the owner of the violating property or facility. These costs shall include direct and indirect costs associated with the corrective work. (as added by Ord. #1460, June 2015)

14-1202. Definitions. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and

the plural shall include the singular; Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Best Management Practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Manchester, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(4) "Chronic violator" means any person that repeats violations of the stormwater management ordinance at least three (3) times in a one (1) year period. The violations do not have to appear on the same project but do have to be of a similar nature.

(5) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Manchester.

(6) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(7) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(8) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(9) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(10) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(11) "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(12) "Governing body" means the Manchester Board of Mayor and Aldermen.

(13) "Hotspot" (priority area) means an area where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(14) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(15) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 14-1203(3).

(16) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(17) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(18) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(19) "Municipal separate storm sewer system (MS4)" means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage system, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(20) "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(21) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(22) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(23) "Peak-flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(24) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(25) "Priority area" means "hot spot" as defined in § 14-1202(13).

(26) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(27) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(28) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(29) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(30) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(31) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(32) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(33) "Stormwater management facilities" means the drainage structures, conduits, ditches combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(34) "Stormwater management plan" means the set of drawing and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(35) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(36) "Stormwater utility" means the stormwater utility created by ordinance of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.

(37) "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.

(38) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(39) "TDEC" means the Tennessee Department of Environment and Conservation, Division of Water Resources.

(40) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(41) "Watershed" means all the land area that contributes runoff to a particular point along a waterway. (as added by Ord. #1460, June 2015)

14-1203. Land disturbance permits. (1) When required. (a) Every person will be required to obtain a land disturbance permit from the City of Manchester in the following cases:

(i) Land disturbing activity disturbs one (1) or more acres (acre = 43,560 sq. ft.) of land.

(ii) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land; such as a lot in a subdivision.

(iii) Land disturbing activity of less than one (1) acre of land, if the activity requires a building permit to be completed (unless otherwise determined by the codes department).

(iv) Land disturbing activity of less than one (1) acre of land, if in the discretion of the codes department such activity poses a potential threat to the MS4 or waters of the state.

Anyone that is planning to conduct land disturbing activity of less than one (1) acre shall contact the codes department to determine whether or not a permit will be required for the specific project.

(2) Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by state or federal agency.

(4) Application for a land disturbance permit. (a) Each application shall include the following:

(i) Name of applicant. The applicant shall be the owner of the property on which the project is located. The permit may be issued to a designated agent of the property owner, but the designated agent must submit a statement from the property owner stating that the department may issue permits to the agent on the owner's behalf.

(ii) Business or residence address of applicant;

(iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(iv) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

(vii) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits.

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City of Manchester from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(i) A sediment and erosion control plan as described in § 14-1204(4).

(ii) A stormwater management plan as described in § 14-1204(3), providing for stormwater management during the land disturbing activity and after the activity has been completed. Small residential permits will not require a stormwater management plan.

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.

(5) Review and approval of application. (a) The City of Manchester Codes Department will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City of Manchester shall provide one (1) of the following responses in writing:

(i) Approval of the permit application;

(ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Manchester has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the codes department, within seven (7) days of receipt of the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the codes department.

(c) No development plans will be released until the land disturbance permit has been approved.

(6) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion. A suspension of work for one hundred eighty (180) calendar days, without prior notification and approval, shall result in the nullification of the permit and potential forfeiture of bonds. The permittee is still responsible for stabilization of any land disturbance activities if the permit is nullified due to extended suspension of work. Once the permit is nullified, the permittee will be required to submit a new application to be able to complete the project, and may be subject to additional permit application fees.

(7) Pre-construction conference. A pre-construction conference will be mandatory for all priority construction activities. Priority construction activities will include the following:

(a) Construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired (for siltation) or high quality.

(b) Construction activities that will result in the disturbance of five (5) acres or more of property.

(c) All non-residential construction activities.

(d) Any other construction activities that the codes department deems should be considered a priority construction activity.

The codes department may, at its discretion, require a pre-construction conference for any construction activity, regardless of whether or not the activity is classified as a priority construction activity.

(8) Notice of construction. The applicant must notify the City of Manchester Codes Department ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system shall be conducted by the codes department. All inspections shall be documented and written reports prepared that contain the following information:

(a) The date and location of the inspection;

- (b) Whether construction is in compliance with the approved stormwater management plan;
- (c) Variations from the approved construction specifications;
- (d) Any violations that exist.

Copies of the inspection reports will be maintained at the Manchester Codes Department.

(9) Performance bonds. (a) The City of Manchester may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the codes department. Alternatively the City of Manchester shall have the right to calculate the cost of construction estimates.

(b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Manchester will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the codes department. (as added by Ord. #1460, June 2015)

14-1204. Stormwater system design and management standards.

(1) Stormwater design and BMP Manual. (a) Adoption. The City of Manchester adopts as its stormwater design and Best Management Practices (BMP) manual the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

- (i) TDEC Sediment and Erosion Control Manual, latest edition.
- (ii) TDEC Manual for Post Construction, latest edition.

(b) These manuals include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated

and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the codes department, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) General performance criteria for stormwater management. Unless granted a waiver or judged by the codes department to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) To protect stream channels from the degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.

(c) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.

(d) Prior to or during the site design process, applicants for land disturbance permits shall consult with the codes department to determine if they are subject to additional stormwater design requirements.

(e) The permanent hydrologic data for each sub-area including total land area, appropriate runoff co-efficient, time of concentrations as calculated using the SCS-TR-55 method or approved equal, total runoff for the two (2), five (5), twenty-five (25), and one-hundred (100) year storm events for each area using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one hundred (100) acres. Nashville Tennessee intensity-duration-frequency curves shall be used for runoff calculations if local data is not available.

(f) Hydraulic capacity of existing and proposed stormwater conveyance structures and channels located on the site and off-site (two (2) structures downstream) using Mannings Formula. Each structure or channel shall be capable of passing the referenced event without surcharge:

(i) Twenty-five (25) year design storm - Residential areas, minor street culverts.

(ii) Fifty (50) year design storm - Major drainage channels (existing "blueline" or intermittent streams), collector and minor arterial street culverts.

(iii) One hundred (100) year design storm - Major arterial street culverts

Each drainage structure and/or channel shall be designed to not cause flooding of any structure during the one hundred (100) year event.

(g) Erosion control calculations for slopes having a grade of twenty percent (20%) or greater and a length longer than twenty feet (20') for the applicable design storm event.

(h) Net pre-construction and post construction runoff exiting the site resulting from the two (2), five (5), twenty-five (25), and one hundred (100) year storm events using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one hundred (100) acres. Runoff velocities shall also be determined.

(i) Detention pond inflow/outflow calculations for the two (2), five (5), twenty-five (25), and one hundred (100) years storm events. Detention calculations shall include stage-storage calculations, elevation-discharge calculations, inflow hydrograph development, routing calculations, and discharge calculations. A one foot (1') minimum freeboard shall be maintained for each design storm event in the detention basin design. The design shall ensure post-development discharge rates do not exceed pre-development discharge rates for the two (2), five (5), and twenty-five (25) year storm events. The maximum design storm for which detention is required is the twenty-five (25) year storm. The design shall ensure that the post-development discharge for the one hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary, but not necessarily equaling pre-development discharge rates.

(j) If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment that has escaped the construction site and has collected in street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Sediment that has reached a stream shall be reported to the codes department as soon as it is discovered. No attempts to remove sediment from a stream shall be made without prior approval. Appropriate arrangements will need to be made to enter private property for the purpose of removing sediment accumulations.

(k) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by fifty percent (50%).

(l) Offsite material storage areas (including overburden and stockpiles of dirt) used solely by the permitted project are considered a part of the project and shall be addressed in the stormwater management plan.

(m) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than ten (10) calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

(n) Clearing and grubbing must be held to a minimum necessary for grading and equipment operation.

(o) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures that may hamper construction activity may be removed at the beginning of the work day, but must be replaced at the end of the work day.

(p) All criteria and requirements of the Tennessee General Permit for Stormwater Discharges from Construction Activities not specifically addressed in this ordinance shall be required by this ordinance. If a requirement of this ordinance conflicts with a requirement of the Tennessee General Permit, the more stringent of the two (2) requirements shall apply.

(3) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the codes department to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic Base Map: A 1" = 100' topographic base map of the site. Topography shall extend a minimum of one hundred feet (100') beyond the limits of the proposed development, if specifically required. Base map shall indicate:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, location of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

(v) Proposed structural BMPs;

(vi) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(b) Calculations: Hydrologic and hydraulic design calculations for pre-development and post-development for the design storms specified in the design criteria of this ordinance. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the design criteria of this ordinance; and

(ix) Documentation of sources for all computation methods and field test results.

(c) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(d) Maintenance and repair plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of

the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

(e) Landscaping plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Tennessee.

(f) Maintenance easements: The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) Maintenance agreement: (i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall:

(A) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. For this reason, the facility shall be located on one (1) property and not on multiple lots.

(B) It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(C) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the codes department.

(D) Provide that if the property is not maintained or repaired within the prescribed schedule, the codes department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Manchester cost of performing the maintenance shall be a lien against the property.

(h) The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(i) Sediment and erosion control plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with § 14-1204(4) below.

(4) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of no more than five feet (5') showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans

may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measure. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawing of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the codes department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the codes department. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

(r) The erosion control plan shall identify water quality buffer zones that must be established adjacent to all streams, including intermittent streams. The water quality buffer zone shall consist of a setback from the top of the water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Buffer width will be determined based on the size of the drainage area. Streams or other waters with drainage areas of less than one (1) square mile will require a minimum buffer width of thirty feet (30'). Streams or other waters with drainage areas greater than one (1) square mile will require a minimum buffer width of sixty feet (60'). In addition, streams or other waters that are listed by TDEC as impaired or high quality will require a minimum buffer width of sixty feet (60'), regardless of the size of the drainage area. Water quality buffer zones are not sedimentation control measures and shall not be relied on as such. Any construction that must take place within the buffer zone, such as a utility or roadway crossing, must be approved in writing by the codes department prior to commencement of the project. Approval of construction within the buffer zone will be extremely limited to those uses that are commonly necessary within these areas and that are not extremely intrusive to the area, such as utilities, roadways, footpaths, etc.

In subdivision developments, buffer zones shall be designated as open space and shall not be considered a part of any individual residential lots. The buffer zone may be dedicated to the City of Manchester, if the developer so chooses. For non-subdivision developments, such as commercial developments, a drainage easement shall be established for the buffer zone. The easement will stipulate that no disturbance can take place without applying for and receiving written approval from the codes department.

(5) Changes to the stormwater management plan and/or erosion and sedimentation control plan. Any significant changes to the stormwater management plan and/or erosion and sedimentation control plan after approval of the same shall require resubmittal of plans to the codes department for subsequent approval. Work shall not continue on any portion of the plan requiring modification or on areas of the plan that are dependent upon the modifications until the modifications have been approved. Work that is not related to the modifications being made may continue during the re-approval process. Any work performed that is not in strict accordance with the approved

plans is performed at the contractor's risk. It shall not be assumed that changes to the plans will automatically be approved even if they have already been constructed.

Significant plan changes do not include the location of temporary sedimentation controls. Adjustment to the exact location of temporary sedimentation controls, to better comply with the intent of the erosion and sedimentation control plan, does not require prior approval or resubmittal of plans. Significant changes include, but are not limited to, those that would change the runoff calculations, those that would require changes to the permanent stormwater structures or controls, and those that would require additional permanent stormwater structures or controls. (as added by Ord. #1460, June 2015)

14-1205. Post construction. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the codes department is required before any performance security or performance bond will be released. The codes department shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the codes department.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the codes department. The following criteria shall apply to revegetation effort:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) Approved sedimentation controls must be maintained until stabilization efforts have been completed (seeding and mulching, sodding, paving, or gravelling). Where sedimentation controls are in the way of stabilization efforts, they may be removed, but they must be reinstalled at the end of the day if the stabilization efforts are not completed by the end of the day. Where a bond is issued for stabilization efforts, sedimentation controls must be maintained until the stabilization efforts are completed.

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in § 14-1204(3)(g)(ii)(B).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the codes department during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Manchester, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Manchester shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the codes department may take necessary corrective action. The cost of any action by the City of Manchester under this section shall be charged to the responsible party. (as added by Ord. #1460, June 2015)

14-1206. Existing locations and developments. (1) Requirements for all existing locations and developments. Adoption of this ordinance shall in no way relieve the owners of existing stormwater structures of their responsibilities under previous grading or stormwater ordinances. Existing

locations and developments shall comply with the provisions of this ordinance to the extent necessary to protect the existing stormwater system and waters of the state. The codes department shall have the right to require owners of existing stormwater structures to comply with the post construction maintenance and repair provisions of this ordinance, or any other provisions as may be deemed necessary to maintain the integrity of the storm water system.

The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the codes department.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(2) Requirements for existing problem locations. The City of Manchester shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Manchester may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspection; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater utility under this section are subject to appeal under § 14-1212 of this ordinance. (as added by Ord. #1460, June 2015)

14-1207. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources,
 - (ii) Landscape irrigation or lawn watering with potable water,
 - (iii) Diverted stream flows,
 - (iv) Rising ground water,
 - (v) Groundwater infiltration to storm drains,
 - (vi) Pumped groundwater,
 - (vii) Foundation or footing drains,
 - (viii) Crawl space pumps,
 - (ix) Air conditioning condensation,
 - (x) Springs,
 - (xi) Non-commercial washing of vehicles,
 - (xii) Natural riparian habitat or wet-land flows,
 - (xiii) Swimming pools (if dechlorinated to less than one (1) PPM chlorine),
 - (xiv) Fire fighting activities, and
 - (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the codes department as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the codes department has so specified in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of

stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the codes department in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the codes department within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years. (as added by Ord. #1460, June 2015)

14-1208. Hot spots. Hot spots are those areas where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. It shall be a violation of this ordinance for hot spots to contaminate stormwater runoff in any manner that would violate any water quality standards existing within this ordinance or within any state and/or federal documents or regulations. Hot spots may include industrial facilities, certain commercial facilities, large commercial parking areas, and other facilities designated by the codes department as having the potential to contaminate stormwater runoff from their ongoing activities. Certain hot spots will be regulated by the Manchester Codes Department as follows:

(1) Industrial and commercial properties. All industrial and commercial properties within Manchester shall be prohibited from introducing contaminants into the stormwater system or into waters of the state. To achieve compliance with this requirement, industrial and commercial properties must comply with all applicable local, state, and federal stormwater permitting requirements. For industrial activities this means compliance with the Tennessee Multi Sector Industrial Permit and all of its provisions, including the development and maintenance of a site specific Stormwater Pollution Prevention Plan (SWPPP) and all monitoring requirements. If the industrial activity is eligible for the no-exposure certification rather than permit coverage, due to not having any industrial activities exposed to stormwater, then that certification must be obtained and kept current.

(2) Auto repair and supply shop requirements. (a) Written management plan. Auto repair shops, auto supply shops, and other auto related facilities that use or collect oils or other automobile fluids shall prepare a written plan outlining the best management practices that will be utilized to minimize impacts from their establishment to the quality or quantity of waters discharged to the Manchester MS4. The written plan shall be submitted to the codes department within ninety (90) days of notification by the department of the necessity of the plan. The plan shall be maintained on file at the establishment.

At a minimum, the plan shall address the following topics:

(i) Methods used to minimize the amount of liquids and greases placed in dumpsters or compactors

(ii) Methods used to keep rain water out of dumpsters

(iii) Methods used to keep leaks and other wastewaters from dumpsters and compactors from entering the storm sewer system

(iv) Procedures used to contain all automotive fluids prior to use or disposal

(v) Schedule for inspection of dumpsters, compactors, and oil/fluid storage areas for leaks or stains and inspection of dumpster and compactor area for litter

(vi) Provisions for the immediate replacement of leaking dumpsters, compactors, or fluid storage containers.

(vii) Details of contracts or arrangements with outside vendors who collect waste oils or other fluids for disposal. Details shall include the name of the vendor, the final disposal or treatment location for the fluids, the method of disposal or treatment of the fluids, and the frequency of pick-up from the facility.

(b) Best management plan implementation. Within one hundred eighty (180) days of the completion of the written plan, all best management practices required to eliminate impacts to the stormwater system shall be in place and fully implemented.

(c) Training. Within sixty (60) days of the completion of the written plan, all employees shall be trained on the requirements of the plan and the proper procedures for complying with the plan. Training shall be repeated at least annually or anytime significant changes are made to the plan. Training records that indicate the topics covered and the individuals who were trained shall be maintained at the facility as a part of the written plan.

(d) Sanitary sewer connections. New or additional sanitary sewer connections that are needed to comply with the requirements of this ordinance shall be installed under the approval and direction of the Manchester Water and Sewer Department.

(3) Restaurant and grocery store requirements. (a) Written management plan. Restaurants, grocery stores, and other food preparation facilities shall prepare a written plan outlining the best management practices that will be utilized to minimize impacts from their establishment to the quality or quantity of waters discharged to the Manchester MS4. For existing facilities, the written plan shall be submitted to the codes department within ninety (90) days of notification by the department of the necessity of the plan. For new facilities, the plan shall be submitted to the codes department as part of the initial stormwater management plan. The plan shall be maintained on file at the establishment.

At a minimum, the plan shall address the following topics:

(i) Methods used to minimize the amount of liquid placed in dumpsters or compactors

(ii) Methods used to keep rain water out of dumpsters

(iii) Methods used to keep leaks and other wastewaters from dumpsters and compactors from entering the storm sewer system

(iv) Procedure used to make sure all waste is contained in dumpsters and compactors

(v) Schedule for inspection of dumpsters and compactors for leaks or stains and inspection of dumpster and compactor area for litter

(vi) Provisions for the immediate replacement of leaking dumpsters and compactors

(vii) Methods used to keep all washwaters from equipment cleaning areas from entering the storm sewer system

(b) Best management plan implementation. Within one hundred eighty (180) days of the completion of the written plan, all best management practices required to eliminate impacts to the stormwater system shall be in place and fully implemented.

(c) Training. Within sixty (60) days of the completion of the written plan, all employees shall be trained on the requirements of the plan and the proper procedures for complying with the plan. Training shall be repeated at least annually or anytime significant changes are made to the plan. Training records that indicate the topics covered and the individuals who were trained shall be maintained at the facility as a part of the written plan.

(d) Sanitary sewer connections. New or additional sanitary sewer connections that are needed to comply with the requirements of this ordinance shall be installed under the approval and direction of the Manchester Water and Sewer Department. (as added by Ord. #1460, June 2015)

14-1209. General prohibitions. (1) Blockage of watercourses or drains. It shall be unlawful for any person to dump refuse or solid waste of any nature (including grass clippings, leaves, brush, garbage, scrap, or any other refuse) into a stream, ditch, storm sewer, or any other drain within the city or to place such refuse or solid waste or cause such refuse or solid waste to be placed in a manner in which it is likely to enter into any stream, ditch, storm sewer, or other drain either by natural or other means. It shall further be unlawful for any person to cause or allow any obstruction of any nature whatsoever (landscaping, driveways, fill, etc.) of any watercourse or flow of water either by natural or manmade means. It shall be unlawful to block a watercourse or drain by constructing a fence over the drain in any manner that restricts flow or that can catch debris, thus restricting flow.

(2) Dumping. It shall be unlawful for any person to dump any liquid waste into any stream, ditch, storm sewer, or any other drain or in any location where it is likely to enter any stream, ditch, storm sewer, or other drain either by natural or other means. Liquid waste may include automotive fluids, wash waters, cleaning fluids, solvents, or any other liquids that could be toxic or otherwise detrimental to the receiving stream or storm sewer system.

(3) Alteration of watercourses or drains. It shall be unlawful for any person to cause, permit, or allow the alteration of any stream, ditch, storm sewer or any other drain without written approval from the public works department and the acquisition of any state permits that may be necessary for the performance of the alterations. Alterations may include, but are not limited to, a change in direction of flow, the addition of a structure such as a culvert or a bridge, or a change in size of a channel or pipe.

(4) Unpermitted discharge. It shall be unlawful for any person to discharge stormwater to any stream, ditch, storm sewer or any other storm drain within the city without first obtaining the required state permit coverage as described below:

(a) Construction sites that disturb one (1) acre of land or more or are part of a larger common plan of development must apply for coverage under the Tennessee General Permit for Stormwater Discharges from Construction Activity.

(b) Industrial facilities must apply for coverage under the Tennessee Stormwater Multi-Sector General Permit for Industrial Activities or the Certificate of No Exposure, if applicable.

(5) Contamination of stormwater. It shall be unlawful for any industrial, commercial, or residential properties, including but not limited to restaurants, auto repair shops, auto supply shops, and large commercial parking areas, to contaminate stormwater runoff. All numerical or visual effluent limitations set by state permits or regulations shall apply under the provisions of this ordinance.

(6) Construction site waste. It shall be unlawful for construction site operators to discard waste, including building materials, concrete truck

washout, chemicals, litter, sanitary waste, or any other potential pollutants in a manner that may cause adverse impacts to water quality. This requirement applies to all construction site operators, regardless of whether or not the site was required to obtain a land disturbance permit for the construction activity. (as added by Ord. #1460, June 2015)

14-1210. Enforcement. (1) Enforcement authority. The codes department shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.

(2) Notification of violation. (a) Written notice of violation. Whenever the codes department finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the department may serve upon such person written notice of the violation. Within a time specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the department. 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.

(b) Show cause hearing. The department may order any person who violates this ordinance or permit or order issued hereunder, to show cause why proposed enforcement action should not be taken. Notice 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 violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(c) Administrative order. When the department finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practice.

(d) Stop work orders. When the department finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the department may issue an order to stop all work on the project until all such violations have been corrected and the department has approved the corrections, thus allowing work to proceed on the project. (as added by Ord. #1460, June 2015)

14-1211. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Manchester shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Manchester of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the codes department will follow the provisions of the Enforcement Response Plan (ERP)¹ and will utilize the scoring system outlined in the ERP to set the dollar amount of the penalty. As outlined in the ERP, the department may consider the following factors when determining the amount of the penalty:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the municipality;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover;

- (a) All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- (b) The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

¹The stormwater management program enforcement response plan has been added at the end of the municipal code as appendix A.

(5) Other remedies. The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(7) Chronic violators. The codes department must enforce at a higher level against chronic violators. This higher level of enforcement shall include increased penalty amounts and more frequent inspections, as specified in the enforcement response plan. The department shall also have the ability to enforce other disincentives against chronic violators, such as the refusal to issue additional permits when the violator has unresolved enforcement issues with the department. (as added by Ord. #1460, June 2015)

14-1212. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the storm water board of appeals.

(1) Stormwater board of appeals. The stormwater board of appeals shall consist of three (3) members, to be recommended by the codes department and appointed by the governing body. Each member must be a resident of the City of Manchester. Each member shall be appointed to a term of three (3) years, with the first terms to be staggered as follows: one (1) member appointed to a one (1) year term, two (2) members appointed to two (2) year terms, and two (2) members appointed to three (3) year terms. The stormwater board of appeals shall meet as needed. Members of the board may serve additional terms as appointed by the governing body.

The stormwater board of appeals is hereby authorized to hear and decide appeals of any order, decision or ruling of the codes department or it's designee issued pursuant to these regulations. Following the hearing on an application for appeal, the stormwater board of appeals may affirm, reverse, modify, or remand for more information, the order, decision or ruling of the codes department or it's designee. In no event shall the stormwater board of appeals issue a decision that in any way conflicts or contradicts these regulations or any other federal, state, or local laws or regulations relating to stormwater, wastewater, zoning, or planning. The stormwater board of appeals may not modify the amount of civil penalties, as set by the enforcement response plan.

(2) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after civil penalty and/or damage assessment is served in any manner authorized by law.

(3) Public hearing. Upon receipt of an appeal, the stormwater board of appeals shall hold a public hearing within thirty (30) Days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in

a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the municipality's stormwater board of appeals shall be final.

(4) Appealing decisions of the municipality's stormwater board of appeals. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #1460, June 2015)

14-1213. Fee schedule. (1) Permit review and inspection fees. A fee shall be assessed for each land disturbance and stormwater protection permit as set forth in the following table:

DISTURBED ACREAGE	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
0.01 - 0.99	\$100	\$250
1.00 - 4.99	\$150	\$350
5.00 - 14.99	\$250	\$500
15.00 - 29.99	\$400	\$800
30.00 or more	\$750	\$1,500

The review and inspection fees are based on acreage to be disturbed during the construction of the project. If a proposed acreage of disturbance is not provided, the fee will be based on the total project acreage.

(2) Stormwater user's fee. The governing body shall have the authority to impose, by resolution, on each and every developed property in the city a stormwater user's fee. Prior to establishing or amending user's fees, the municipality shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least thirty (30) days in advance of the meeting of the municipality's governing body which shall consider the adoption of the fee or its amendment.

If the governing body chooses to impose a stormwater user's fee, it shall be based on the establishment of an Equivalent Residential Unit (ERU). The ERU shall be the average square footage of a detached single-family residential property. The city board shall have the discretion to determine the source of the data from which the ERU is established.

(a) Property classifications. For purposes of determining the stormwater user's fee, all properties in the city are classified into one (1) of the following classes:

- (i) Single-family residential property;
- (ii) Other developed property;

(b) Single family residential fee. The municipality's governing body finds that the intensity of development of most parcels of real property in the municipality classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential properties in the city shall be charged a flat stormwater management fee, equal the base rate, regardless of the size of the parcel or the improvements.

(c) Other developed property fee. The fee for other developed property (non-single family residential property) in the municipality shall be set by dividing the total square footage of impervious area of the property by one ERU and then multiplying that factor by the base rate for one (1) ERU. The impervious surface area for other developed property is the square footage for the buildings and other improvements on the property. The minimum stormwater management fee for other developed property shall equal the base rate for single-family residential property.

(d) Base rate. The governing body of the municipality shall establish the base rate for one ERU. The base rate shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the city. The base rate will be calculated by dividing the necessary annual revenues for funding the program by the total number of ERUs, as determined by the codes department, and then dividing by twelve (12) months to make the base rate a monthly value.

(e) Adjustments to stormwater user's fee. The department shall have the right on its own initiative to adjust upward or downward the stormwater user's fee with respect to any property, based on the approximate percentage on any significant variation in the volume or rate of stormwater, or any significant variation in the quality of stormwater, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the department shall take into consideration the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation. Under no circumstances shall a stormwater fee be adjusted to the point that it is below the base rate for one ERU unless the person requesting the adjustment can demonstrate that they do not discharge any stormwater to the MS4 system, in which case the stormwater fee shall be waived.

(f) Property owner to pay stormwater user's fee. For each property for which a stormwater fee is assessed, the stormwater fee shall be paid by the owner of the property. This person shall be designated as the user of the storm water system.

(g) Stormwater user's fee payment. Payment of the storm water user's fee shall be made in person or by mail along with the bill to which it is attached. The due date of the storm water fee shall be as indicated on the bill. The municipality shall be entitled to recover legal fees incurred in collecting delinquent stormwater fees.

(h) Appeal of fees. Any person who disagrees with the calculation of the stormwater user's fee, as provided in this ordinance, or who seeks a stormwater user's fee adjustment based upon stormwater management practices, may appeal such fee determination to the codes department. The appeal shall be filed in writing and shall state the grounds for the appeal. The department may request additional information from the appealing party. Based upon the information provided by the department and the appealing party, the department shall make a final calculation of the stormwater user's fee. The department shall notify the appealing party, in writing, of its decision. (as added by Ord. #1460, June 2015)