

# ZONING ORDINANCE



**BRISTOL, TENNESSEE**

Updated March 2018  
(through Ordinance 18-2)

# ZONING ORDINANCE

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# **CHAPTER 1 CITY PLANNING COMMISSION**

## **SECTION**

- 101.** Creation and Membership
- 102.** Organization, Rules, Staff and Finances
- 103.** Powers and Duties

### **101 - CREATION, MEMBERSHIP, ORGANIZATION, POWERS AND DUTIES**

A Planning Commission has been created and established for the City. The membership, organization, powers and duties of the Planning Commission are set forth in Chapter 2, Article IV, Division 3, of the Code of Ordinances.

### **102 - ORGANIZATION, RULES, STAFF AND FINANCES**

The City Planning Commission shall elect its chairman from its appointive members. The term of the chairman shall be for one (1) year with eligibility for re-election. The Commission shall adopt rules for its transactions, findings and determinations and shall keep a record, which record shall be a public record. The Commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City.

### **103 - POWERS AND DUTIES**

The City Planning Commission shall have all the powers, duties and responsibilities as set forth in Chapter 34 [T.C.A. § 13-4-101 et seq.], Chapter 44 [T.C.A. § 13-7-201] et seq., and Chapter 45 [T.C.A. § 13-4-302 et seq.] of the Tennessee Public Acts of 1935 or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto.

**CHAPTER 2  
GENERAL PROVISIONS  
RELATED TO ZONING**

**SECTION**

- 201. Short Title
- 202. Purpose
- 203. Definitions
- 204. Establishment of Districts
- 205. Applicability of Zoning
- 206. Nonconforming Uses, Buildings and Structures
- 207. General Lot Usage Standards
- 208. Prohibition of Lot Area Reduction
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- 210. Corner Lot Side Yard Requirements
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- 216. Billboard and Sign Regulations
- 217. Special Use Permits
- 218. Special Exception
- 219. Temporary Uses
- 220. Adult Entertainment Establishments
- 221. Wireless Transmission Facilities
- 222. Home Occupations
- 223. Recreation Vehicle Developments
- 224. Portable Storage Units
- 225. Access Control

**201 - SHORT TITLE**

These regulations shall be known as the *Zoning Ordinance of the City of Bristol Tennessee*, and the map herein referred to will be identified by the title, "Zoning Map of Bristol, Tennessee." The Zoning Map of Bristol, Tennessee, and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

**202 - PURPOSE**

The general purposes of this Ordinance are to promote the health, safety, and welfare of the City of Bristol Tennessee. The districts shown on the Zoning Map of Bristol, Tennessee, have been designated after consideration as to the character of each district, its suitability for particular uses, its relation to the general land use plan for the City, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City to the end that Bristol, Tennessee, may become a better city in which to live.

**203 - DEFINITIONS**

Words and terms not herein defined shall have the meanings normally implied by current English usage. Words used in the present tense include the future tense; the singular includes the plural and the plural the singular; and the word "shall" is mandatory. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance.

**ACCESSORY BUILDING** - A building, the use of which is subordinate to that of the principal building, and located on the same lot. The term shall also include "accessory structure."

**ACCESSORY STRUCTURE** - A detached structure located on the same lot or parcel as its principal building and use, and subordinate in size, to the principal building. Accessory structures may include garages, swimming pools, tennis courts, satellite dishes, utility buildings, and other stationary structures.

**ACCESSORY USE** - a subordinate use, located on the same lot or parcel as the principal use, which is customarily incidental to the principal use.

**ACCESSORY USE-RECREATIONAL VEHICLE DEVELOPMENT** - This use is subordinate in nature to the RVD, and shall be limited to: community facilities such as clubhouse, community building, laundromat, restrooms, indoor recreational building, community pavilion, community picnic tables, swimming pools, and community Jacuzzi; outdoor recreational facilities such as horseshoes, basketball court, volleyball court, putting green, golf course, outdoor community barbecue grills and similar recreational areas. Accessory uses shall not include: storage sheds, carports or other permanent structures associated with individual recreational vehicle sites or lots. Individual sites may include accessory uses such as patios, decks and individual barbecue grills.

**ACCESSWAY** - A way of approaching or entering a property.

**ACTIVITY** - An economic unit designated in the classification system given in the 1997 North American Industry Classification System Manual published by the U.S. Department of Commerce, Office of Federal Statistical Policy and Standards.

**ADULT ORIENTED ESTABLISHMENT** – This term has the same meaning as "adult oriented establishment" defined in Tennessee Code Annotated Section 7-51-1102(6) which is incorporated by reference and made a part hereof. In construing this term, the definitions set forth in Tennessee Code Annotated Section 7-51-1102(1) through (6) and (9) through (31) are also incorporated by reference and made a part hereof.

**ADVERTISING** - Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roof board, frame, support, fence or other man-made structure; and any such advertising is a structure within the meaning of the word "structure" as used in this Ordinance.

**ANIMAL DAY CARE FACILITY** – An establishment for the daily care and supervision of animals. Daily care and supervision shall not be construed to mean outdoor kenneling. An animal day care facility may be designed to provide for supervised outdoor exercise and/or recreation.

**ANIMATION** - Copy or other images that flash or move or otherwise change at intervals of more than once each six seconds.

**ANTENNA** - An exterior apparatus designed, utilized or intended to be utilized for the sending or receiving of electromagnetic waves for the purposes of radio or television transmissions, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications, common carrier wireless exchange access services, personal communications services, pager services, or other communications services.

**ASSISTED LIVING FACILITY** – This term has the same meaning as "assisted-care living facility" defined in Tennessee Code Annotated Section 68-11-201(4) which is incorporated by reference.

**ASSOCIATED MOTOR VEHICLE PARKING SPACE** – A specific impermeable surface area adjacent to the recreational vehicle parking pad on a recreational vehicle site or lot that is set aside for off-street automobile parking that is to meet the off-street parking space requirements.

**BANNER** – A sign made of flexible material; which is secured at two (2) or more of its corners by means of fasteners or rope-type lines.

**BANNER, DOWNTOWN** – A sign in the B-2 Central Business District made of fabric or flexible material that is supported by a pole or rod affixed to an exterior wall and projects away from the building.

**BERM** - A mound of soil or manmade raised area used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses.

**BOARD OF ZONING APPEALS** - The Board of Zoning Appeals of the City of Bristol Tennessee, or its lawful successor.

**BOARDING HOUSE** (or also Rooming or Tourist House) - A building, other than a hotel or motel, where lodging or rooms, or both are provided for compensation, whether directly or indirectly.

**BORDER REGION RETAIL TOURISM DEVELOPMENT DISTRICT (OR BORDER RETAIL DISTRICT)** – The area of the city that has been certified pursuant to Tennessee Code Annotated Section 7-40-101 et seq.

**BUFFER** - An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls, and/or berms, designed to limit continuously the view of and sound from the adjacent site or properties.

**BUILDING** - A structure used or intended for support, shelter, or enclosure. (See "**Structure**")

**BUILDING, HEIGHT of** - The vertical distance as measured from the finished grade at the front line of the building, or the highest adjacent grade to the structure, to the highest point of the structure. The highest point of the structure shall not to include belfries, chimneys, spires, antennae, or other accessory non- occupied space that exceeds the height of the roofline.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is situated.

**CERTIFICATE OF OCCUPANCY:** A document issued by the proper authority allowing the occupancy or use of a building and which certifies that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**CHANNEL LETTERS** – Three-dimensional individually cut letters or figures, illuminated or un-illuminated, affixed to a structure.

**CITY** - The City of Bristol Tennessee.

**CITY COUNCIL** - The governing body of the City of Bristol Tennessee

**CLUSTER** - A single parcel or tract of land on which is located more than one wireless transmission facility.

**CODES DIVISION** The Codes Enforcement Division of the City of Bristol Tennessee, or the lawful successor to such.



**CODE OF ORDINANCES, CITY OF BRISTOL, TENNESSEE:** The City of Bristol, Tennessee Municipal Code of Ordinances.

**CO-LOCATION** - The installation of multiple communications arrays or antennas on a single support structure or tower, or the use of a wireless transmission facility by more than one wireless communications provider.

**COMMON FACILITIES** – Land within or related to the development which is not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the users and/or owners.

**COMMUNITY DEVELOPMENT** - The Community Development Department of the City of Bristol Tennessee, or the lawful successor to such department.

**CONIFEROUS TREES** - A tree that remains green year round and does not drop its foliage at one time.

**CONVENIENCE STORE** - A retail store selling a limited variety of food, beverages, and sundry items; with or without motor fuel facilities; and catering primarily to motorists making quick stops, and/or neighborhood customers.

**DAY CARE CENTER, CHILD** - Any place or facility operated by a person or entity that provides childcare for three (3) or more hours per day, but less than 24 hours per day, for children who are not related to the primary caregiver, as defined, licensed, and regulated by the State of Tennessee as providing child care in “child care centers”, “group child care homes”, or “family child care homes, as defined in Tennessee Code Annotated Section 71-3-501 or any other relevant section of Tennessee Code Annotated.

**DECIDUOUS TREES** - Trees that drop their leaves annually and go through a dormant period.

**DWELLING UNIT** – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living sleeping, eating, cooking, and sanitation.

**DUPLEX:** (also known as a Two Family Residence): A building, designed as a single structure, containing two separate dwelling units, each of which is designed to be occupied as a separate permanent resident for one family.

**ELECTRONIC MESSAGE BOARD** – A variable message medium that utilizes computerized, electronic or mechanical messages, or some other electronic means of changing copy. As part of a freestanding sign, this medium may include displays using incandescent lamps, LEDs, LCDs, a flipper matrix, digital or other electronic screen display technology. This medium enables display changes at the sign site and/or enables changes to be made to displays from locations other than at the sign.

**ELECTRONIC SCREEN DISPLAY TECHNOLOGY** – The portion of a sign or a surface which, through the utilization of electronic or telecommunication technology, displays changeable electronic image and text content. For regulatory purposes, electronic screen display technologies are considered a component of an Electronic Variable Message Sign.

**EROSION AND SEDIMENT CONTROL PLAN:** See the Bristol Tennessee Code of Ordinances, Article V. Control of Erosion and Sediment into the Stormwater System, Definitions.

**FAA** - The Federal Aviation Administration or its lawful successor.

**FAÇADE** - The side of the building below the eaves.

**FCC** - The Federal Communications Commission or its lawful successor.

**FAMILY** - One or more individuals occupying a dwelling unit, or a group of not more than 5 persons who are not related by blood or marriage, and living as a single household unit.

**FAMILY RECREATION CENTER** – This term has the same meaning as "family recreation center" defined in Tennessee Code Annotated Section 7-51-1401 which is incorporated by reference and made a part hereof.

**FRONTAGE, STREET** - The distance for which a lot adjoins a public or private street from one lot line intersecting said street to the furthest line intersecting said street.

**GROUND COVER:** Plant material, which reaches a maximum height of not more than twelve (12) inches from grade.

**GUEST ROOM** –A single unit for temporary use by one person or group of persons with or without meals and not occupied as a single-family unit.

**HEIGHT** (wireless telecommunication facilities) - the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if such highest point is an antenna. Measurement of the height of a wireless transmission facility shall include the antenna, base pad and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

**HOME OCCUPATION** - Any occupation or profession conducted on the premises of any occupied residence.

**HOME OWNERS ASSOCIATION** – An incorporated nonprofit organization operating under recorded land agreements through which each property or share owner in a development or other described land area has shared responsibilities for the organization's activities and common interests, such as financial obligation, maintaining green and/or open space, landscaping and/or facilities.

**HORIZONTAL PROPERTY REGIME** - A division of land on the basis of condominium or horizontal property ownership, in which units or footprints are individually owned and the common areas and facilities are under the ownership of a homeowners' association for the purpose of maintaining, administering and operating of said areas and common facilities. The common elements, both general and limited, shall remain undivided and shall not be the object of an action for partition or division of co-ownership. (Regulated under Tennessee Code Annotated Section 66-27-101 et al.).

**IMPERMEABLE** – See "Impervious Surface".

**IMPERVIOUS SURFACE** – Any material (asphalt, concrete, plastic, or other similar material) that reduces or prevents the infiltration of water into previously undeveloped land.

**ISLAND** - A raised, curbed area placed to protect landscaping within a parking lot of a development or site.

**LANDSCAPE AREA** - A required area adjacent to front, side and rear lot lines that is planted with grass, trees, and shrubs consistent with the planting requirements of this section. The landscaped area may include mulching, ground covers, flowers and other additional features that add to the esthetic appearance of the area, provided that such additional features are consistent with the provisions of this section.

**LANDSCAPING MATERIAL:** Material such as but not limited to, living trees, shrubs, vines, lawn grass, ground cover, landscape water features, and non-living durable materials commonly used in landscaping including, but not limited to, rocks, pebbles, sands, decorative walls and fences, brick pavers, earthen mounds, but excluding paving for vehicular use.

**LOGO** – An established identifying symbol or mark associated with a business or business entity.

**LOT** - A piece, parcel, or plot of land which may consist of one or more platted lots in one ownership, occupied or intended to be occupied by one principal building and its accessory buildings including the open space required under this Ordinance.

**LOT, DOUBLE FRONTAGE** - A lot extending the entire width of the block and having street frontage on both the front and rear lot lines.

**LOT OF RECORD**- In particular reference to the requirements of the Bristol Tennessee Zoning Ordinance, any lot which legally existed prior to the adoption of that ordinance (December 5, 1958), per Section 215-Supplementary Provisions.

**LOT WIDTH** - The distance between the side lot lines measured at the building line.

**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 180 consecutive days or longer.

**MANUFACTURED HOME PARK** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent.

**MEDICAL CLINIC** – A facility duly licensed in the State of Tennessee for examining, diagnosing and treating patients for medical conditions on an outpatient basis other than a methadone treatment facility or substance abuse treatment facility.

**METHADONE TREATMENT FACILITY** – A facility duly licensed in the State of Tennessee for the counseling of patients and the distribution of methadone or other similar drugs for outpatient, non-residential purposes only other than a medical clinic, hospital or substance abuse treatment facility.

**MINIMUM SETBACKS** - A distance of a structure from a property line required to obtain minimum front, side, or rear yards required by this Ordinance.

**MULTIFAMILY RESIDENCE:** A building containing three or more dwelling units, including units that are located one over another.

**NONCONFORMING BUILDING OR STRUCTURE** - A building or structure lawfully constructed prior to the passage of this Ordinance (December 5, 1958) or a subsequent amendment thereto, which does not conform to the requirements for the district in which it is situated.

**NONCONFORMING USE** - A lawful use of land, building, or structure existing at the time of the passage of this Ordinance (December 5, 1958) or a subsequent amendment thereto, which does not conform to the use regulations for the district in which it is situated.

**NURSING HOME** – This term has the same meaning as defined in Tennessee Code Annotated Section 68-11-2101(28) which is incorporated by reference.

**OCCUPANCY** - The use of land, buildings or structures.

**OFF-STREET PARKING SPACE** - The area required for parking one automobile in a location other than the public right-of-way.

**OPEN SPACE**– A pervious open space consisting of grassy areas, shrubs and trees or other approved vegetative landscaping materials.

**OUTDOOR ADVERTISING STRUCTURE** - A sign related to products, services, establishments, entertainment or uses that is affixed to or erected upon a free-standing framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

**OVERLAY DISTRICT** -- A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base zoning district.

**PERIPHERAL BOUNDARY** – The required open space along the exterior of the development along property lines. The peripheral boundary may contain walkways and driveways for ingress and egress directly to the premises, and for rights-of-way for utilities and drainage channels, and shall be developed and maintained as open space and may contain landscape area or buffer area as required by the zoning ordinance.

**PERSONAL WIRELESS SERVICES** - Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as now defined in Section 704(a)(7)(C)(i) of the Telecommunications Act of 1996, 47 U.S.C. § 332(a)(7)(C)(i), as the same may be amended from time to time.

**PLAN, CONCEPTUAL SITE**– A generalized plan that is for overall design purposes and should be used for informal review to discover factors that may have an impact on the proposed development.

**PLAN, SPECIAL USE SITE**- A generalized plan utilized during the special use approval process.

**PLAN, UNIFIED SITE DEVELOPMENT**– A site plan showing all aspects of the development and identifies sites or individual lots, travel lanes, major facilities, accessory uses and provisions of open space for recreation and other common uses, including all phases of the development.

**PLAN, SITE**: A to-scale document which provides a drawn plan used by staff and/or the Planning Commission to review a proposed development for compliance with the Zoning Ordinance and the Code of Ordinances. The document will contain the information required by the particular requirements of the Zoning Ordinance and the Code of Ordinances.

**PLANNING COMMISSION** - The Bristol Tennessee Municipal-Regional Planning Commission created and established for the city. See Chapter 1 of this Volume.

**PLANTING AREA**: Any area designed for landscape material installation having a minimum area of twenty-five (25) square feet, with a minimum of five (5) on the side.

**PLANTING AREAS, SIDE AND REAR YARD**: An area of land between the property line and any vehicular use areas or building that is intended for the placement or preservation of landscape materials.

**PORTABLE STORAGE UNIT**: Any container designed for the storage of personal property which is located outside and enclosed building and is typically rented to owners or occupants of property for their temporary use and delivered and removed by a vehicle.

**PREMISES** - A parcel or tract of land, including the buildings and improvements thereon, or any portion thereof which is leased or rented, or which is used or intended to be used for a single purpose or activity.

**PRIVATE POLE** – A privately owned pole on private property, erected in accordance with building code regulations, with the primary purpose of supporting lights for buildings or grounds.

**PUBLIC UTILITY FACILITIES** - Facilities designed or utilized for the transmission, distribution, delivery or collection of electric, telephone, cable television, natural gas, water or sewer utility services, or for the transportation of the public

**RECREATIONAL VEHICLE** – See Independent Recreational Vehicle.

**RECREATIONAL VEHICLE, INDEPENDENT (or RECREATIONAL VEHICLE)** – A self motorized or a towable recreational vehicle (including Class A, Class B, and Fifth Wheel) designed as temporary living quarters which can operate independently of connections to sewer, water and electric systems. It shall contain water flushed toilets, lavatory, shower, and kitchen sinks, all of which are connected to water storage, greywater storage, and sewage holding tanks within the RV. This definition shall not include tent-covered recreational vehicles.

**RECREATIONAL VEHICLE DEVELOPMENTS (RVDs)** – A planned development on a parcel of land that consists of owner-occupied sites or lots for recreational vehicles that are used for temporary living quarters, accessible by vehicular traffic, and where sites are substantially developed with electrical, sewer and water system connections available for each unit site. Also provided are common and recreational properties and facilities, refuse collection sites, and other accessory uses of recreational vehicle developments.

**RECREATIONAL VEHICLE PARKING PAD** – A specific dimensioned impermeable or approved permeable surface area for use by a recreational vehicle within a recreational vehicle development that is set aside for use by an independent recreational vehicle.

**REGIONAL ENTERTAINMENT FACILITY** – An entertainment facility that meets the following conditions: 1) provides permanent seating for more than 25,000 spectators; 2) is located on a major arterial highway; and 3) has road frontage in excess of 1,000 feet.

**SETBACK** -- (See Yard definitions)

**SIGHT OBSCURING SCREEN:** A 100% opaque visual screen with a minimum height of six (6) feet, if non-living material is used. If living material is used, it shall be at least 70% sight obscuring and be a minimum of four (4) feet in height immediately after planting and shall consist of plants that reach a minimum of six (6) feet in height at maturity.

**SIGHT TRIANGLE:** The triangle at either side of an accessway or public right of way with sides of a specific length each along the public right of way and/or accessway.

**SIGN** - Any on-site device for visual communication; including any announcement, declaration, demonstration, display, ribbon, banner, product for sale, illustration, or insignia; which is used to attract the attention of persons in order to advertise or promote the interests of any business, industry, individual, group, or enterprise when same is placed in view of the general public.

**SIGN AREA** - The area of a single face of a sign, not including supporting devices that are not part of the sign display itself. If the sign consists of more than one section, all areas are totaled to determine sign area.

**SIGN, COMPLEX** – A single, shared, primary freestanding sign structure with combined business signs for a shopping center, office complex, or a planned development located at the main entry to the development in place of an individual freestanding sign for each business.

**SIGN, FLASHING** – Signs shall be classified as flashing signs when the rate of copy graphic changes, color, lighting, blinking, or sequence is less than the duration of ten (10) seconds per image.

**SIGN, FREE-STANDING** - A sign supported by a sign structure placed in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support. A freestanding sign may contain a sign or signs on one side only or it may contain signs back-to-back. A freestanding sign structure is one sign.

**SIGN, INTERSTATE ORIENTED** – A free-standing sign located on a parcel adjoining the right-of-way of Interstate 81 within the Border Retail District which sign is oriented so that its face is visible from Interstate 81 or U.S. Highway 11-W.

**SIGN, MAJOR (DIRECTIONAL) MULTI-TENANT** – A free-standing directional sign located at the primary entrance to a multi-tenant commercial development in the Border Retail District.

**SIGN, MINOR (DIRECTIONAL) MULTI-TENANT** – A free-standing directional sign located within a multi-tenant commercial development in the Border Retail District other than a major (directional) multi-tenant sign.

**SIGN, MONUMENT** A low-profile, freestanding sign that is permanently attached to the ground with a base or support that has a maximum vertical height of twenty-four (24) inches between the ground and the lowest horizontal line of the primary sign and a maximum height in conformity with the zoning ordinance provisions.

**SIGN, NONCONFORMING** - Any sign which was lawfully erected prior to the enactment of the Sign Ordinance (November 7, 1981), but which does not conform to the regulations established by that Ordinance and/or subsequent amendments (as incorporated herein, Section 216 of this Chapter).

**SIGN ORDINANCE** - A short term for "AN ORDINANCE amending Section 11-217 of the Bristol Municipal Code to regulate Signs, Billboards and Advertising Structures," passed by City Council in October 1981, and enacted as of November 7, 1981. This Ordinance, as amended, is Section 216 of this Chapter.

**SIGN, POLITICAL** – A sign placed on private property advertising a political candidate or an issue pertaining to an upcoming public election.

**SIGN, PORTABLE** - A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

**SIGN, PROJECTING** - A sign other than a wall sign which projects from and is supported by a wall of a building or structure and typically having 2 or more viewable sides. Only 1 side shall be counted for measuring its allowable area and for the allowable number of signs. Signs printed on or affixed to awnings and canopies shall also be considered projecting signs.

**SIGN, SINGLE POST BRACKET** – A free-standing sign supported by the extended arm of a single post.

**SIGN, TEMPORARY** – A sign that is not intended or designed for permanent display.

**SIGN, WALL** - A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

**SIGN, WINDOW** – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SNIPE SIGN** – A sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees,

poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

**SPECIAL USE** - A use that would not be appropriate generally or without restriction throughout a given zoning district but which, if properly planned and regulated, would not detract from the prosperity or integrity of that district. Such uses may be permitted in a zoning district if specific provision for that special use is made in this Ordinance under the heading "Uses Permitted by Special Use Permit Only."

**STORY** - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof.

**STREET PLANTING AREA:** An area of land between the property line and any vehicular use areas or building that is intended for the replacement or preservation of landscape materials.

**STRUCTURE** --Any constructed or erected material or combination of materials, the use of which requires a location on the ground; including, but not limited to, buildings, stadiums, electronic structures, sheds, storage bins, fences, and signs.

**SUBDIVISION:** The division, combination or recombination of any lot or parcel of land as defined in the Subdivision Regulations of the Bristol, Tennessee Municipal Regional Planning Commission. Article VII Definitions

**SUBDIVISION PLAT:** The document for the approval and official recording of a division, combination or recombination of any lot or parcel of land as required by the Subdivision Regulations of the Bristol, Tennessee Municipal Regional Planning Commission.

**SUBSTANCE ABUSE TREATMENT FACILITY** – A facility duly licensed in the State of Tennessee for providing outpatient, non-residential treatment, counseling or similar services to persons who are dependent on legal or illegal drugs, opiates, alcohol or other substances other than a medical clinic, hospital or methadone treatment facility.

**SYMBOL** - A graphic representation or insignia including religious symbols, commemorative plaques of recognized historical agencies.

**TEMPORARY WIRELESS TRANSMISSION FACILITY** - A wireless transmission facility which is designed or intended for use on a short-term, non-permanent or temporary basis. This includes portable facilities capable of being transported or towed to a site.

**TOWER** - A structure that is designed and constructed primarily for the purpose of supporting one or more antennas. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone and wireless communications towers, alternative tower structures and similar structures. Tower types include, but are not limited to, guyed towers, monopoles, lattice towers and wooden poles. This term does not include any structure erected solely for a personal, non-commercial use, such as for television reception antennas, satellite dishes or amateur radio antennas.

**TREE-CLASS A:** Any self supporting woody plant of species which normally grows to an overall height of at least fifty (50) feet, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks, as in several varieties of oaks.

**TREE-CLASS B:** Any self supporting woody plant of a species which normally grows to an overall height of at least twenty-five (25) feet, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks, for example Bradford Flowering Pear

**TWO FAMILY RESIDENCE**– See **DUPLEX**.

**WIRELESS TRANSMISSION FACILITY** - A structure, antenna, tower or other device, including structures which may primarily be used for other purposes, designed, utilized or intended to be utilized for the sending or receiving of electromagnetic waves for the purposes of radio or television broadcast transmissions, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications, common carrier wireless exchange access services, personal communications services, pager services or other communications service.

**YARD** - An open space on the same lot with a principal building; open, unoccupied, and unobstructed by the building from the ground to the sky, unless otherwise provided in this Ordinance.

**YARD, FRONT** - An open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the front lot line and the nearest part of the principal building or structure.

**YARD, REAR** - An open, unoccupied space on the same lot as the principal building extending the full width of the lot and situated between the rear lot line and the nearest part of the principal building or structure.

**YARD, SIDE** - An open, unoccupied space on the same lot as the principal building, extending from the rear line of the front yard to the front line of the rear yard and situated between the side lot line and the nearest part of the principal building or structure. (Ord. No. 93-44 § I, 1-4-94; Ord. No. 97-95, 1-13-98)

**ZONING ORDINANCE** - The Zoning Ordinance of the City of Bristol Tennessee, as amended from time to time.

**ZONING DISTRICT:** A specifically delineated area, as shown on the city's official zoning map, within which uniform development standards govern the use, placement, spacing, and size of land and buildings.

Ord. 07-28 Updated 10/07  
Ord. 08-21 Update 9/08  
Ord. 10-14 Updated 11/10  
Ord. 11-16 – Updated 9/11  
Ord. 11-20 – Updated 10/11  
Ord. 12-7 – Updated 7/12  
Ord. 13-9 – Updated 11/13  
Ord. 14-14 updated 10/14



## 204 - ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of Bristol Tennessee shall henceforth be divided into districts designated as follows:

<b>R-M</b>	Districts (Mountainous Residential)
<b>R-1A</b>	Districts (Low Density Single Family Residential)
<b>R-1B</b>	Districts (Medium Density Single Family Residential)
<b>R-2</b>	Districts (Single Family and Duplex)
<b>R-3</b>	Districts (Multifamily)
<b>R-4</b>	Districts (High Density Multifamily)
<b>R-5</b>	Districts (High Density Multifamily)
<b>R-E</b>	Districts (Established Residential Neighborhood)
<b>R-O</b>	Districts (Residential Office)
<b>O-S</b>	Districts (Open Space and Reserved)
<b>B-1A</b>	Districts (Limited Business/Institutional)
<b>B-1B</b>	Districts (Neighborhood Shopping and Service)
<b>B-2</b>	Districts (Central Business)
<b>B-2E</b>	Districts (Central Business Expansion)
<b>B-3</b>	Districts (General Business)
<b>PBD</b>	Districts (Planned Business District)
<b>M-1</b>	Districts (Light Industrial/Business)
<b>M-2</b>	Districts (General Industrial)
<b>M-3</b>	Districts (Heavy Industrial)
<b>MH</b>	Districts (Mobile Home Park)
<b>F-1</b>	Districts (Flood Plain)
<b>PRD</b>	Districts (Planned Residential)

District boundaries are hereby established as shown on the most currently updated edition of the "Zoning Map of Bristol, Tennessee." Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the centerlines of streets, alleys, highways, or railroad rights-of-way; or of such lines extended; such centerlines or their extensions shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately following the corporate limits lines of the City of Bristol Tennessee, such corporate limits lines shall be construed to be such boundaries.
- C. Where district boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended shall be construed to be such boundaries.
- D. Where district boundaries are indicated as approximately following the centerlines of streambeds, such centerlines shall be construed to be such boundaries.
- E. Where district boundary lines appearing on the Zoning Map divide a lot in single ownership at the time of the enactment of this Ordinance, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the provisions of the district in which each part of such lot is situated shall apply.

**Ord.**

## **205 - APPLICABILITY OF ZONING**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with this Ordinance herein specified for the district in which it is located, except as hereinafter provided.

## **206 - NONCONFORMING USES, BUILDINGS AND STRUCTURES**

It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of existing buildings and structures, or of uses that are not in conformity with the provisions of this Ordinance, is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of nonconforming uses, buildings and structures as to avoid any unreasonable invasion of established private property rights.

### *A. Nonconforming Uses*

Lawful nonconforming uses existing at the time of the original passage of this Ordinance (December 5, 1958), or any amendment thereto (whether by annexation, rezoning, or ordinance text revision) may be continued subject to the following provisions:

1. *Change of Use*

A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, it shall not be changed again to any nonconforming use.

2. *Extension*

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

3. *Structural Alteration*

A building housing a nonconforming use shall not be structurally altered. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

4. *Destruction*

A building or structure housing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to more than forty percent (40%) of its assessed value for tax purposes shall not be reconstructed, except in conformity with the provisions of this Ordinance. This provision shall not apply to owner-occupied nonconforming residences.

5. *Discontinuance*

When a nonconforming use of any land or building has been discontinued for a period of twelve (12) consecutive months, it shall not be reestablished or changed to any use not in conformity with the provisions of the district in which it is located.

### *B. Nonconforming Buildings or Structures*

Lawful nonconforming buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

1. *Extension*

A nonconforming building or structure shall not be extended unless such extension shall comply with all the requirements of this Ordinance for the district in which it is located.

2. *Destruction*

A nonconforming building or structure which is damaged by fire, flood, wind, or other act of God or man to more than forty percent (40%) of its assessed value for tax purposes shall not be reconstructed except in conformance with the provisions of this Ordinance. This provision shall not apply to owner-occupied nonconforming residences.

C. *Nonconforming Mobile Homes.*

Nonconforming mobile homes, defined as a single, self-contained unit and mounted on a single chassis and as further defined in *Tennessee Code Annotated* Section 68-126-202, shall not be allowed to be replaced upon its removal from its original location. The provisions of this regulation shall not apply to mobile home parks within the City of Bristol by definition.

These provisions shall also apply to any nonconforming mobile homes damaged by fire, flood, wind or other act of God or man to more than forty percent (40%) of its assessed value for tax purposes. Such nonconforming mobile home shall not be replaced.

D. *Nonconforming Portable Signs*

The foregoing provisions of this Section 206 shall not apply to portable signs.

**207 - GENERAL LOT USAGE STANDARDS**

A. *Principal Buildings on Residential Lots*

Only one principal building may be constructed on any residential lot, except in the cases of:

- i. Multifamily complexes and cluster developments.
- ii. Structures in the Open Space and Reserved (O-S) Zoning District.

B. *Street Frontage*

No building or structure shall be erected on a lot which does not abut an approved street at least one street for a distance of at least fifty (50) feet, unless an easement for right of access at least twenty (20) feet in width is provided to an approved street.

C. *Manufactured Residential Dwellings*

Manufactured residential dwellings, as defined in *Tennessee Code Annotated* Section 68-126-202, when located within the City of Bristol shall meet the following provisions:

1. Any manufactured residential dwelling located in the City of Bristol Tennessee shall conform to all State and Local codes and ordinances.
2. All manufactured residential dwellings shall be placed on a permanent foundation consisting of piers located on concrete footings and shall have a continuous permanent perimeter wall constructed of mortared masonry, brick, or stone and located on a concrete footing.
3. All manufactured residential dwellings shall have the same general appearance as required for site built homes. All wheels and towing fixtures shall be removed upon placement of the manufactured residential dwelling upon a permanent foundation.

The provisions of this regulation shall not apply to mobile home parks within the City of Bristol by definition. (Ord. No. 98-117, 11-3-98)

D. *Pre-existing, Individual Lot, an Other Uses*

1. All existing mobile home parks and individual mobile homes in the City of Bristol at the time of adoption of this Section of this Chapter (January 5, 1968) are required to comply with the following regulations:
  - a. No person shall, within the limits of the City of Bristol Tennessee park any trailer on any street, alley or highway, or other public place, or on any tract of land owned by any

- person, occupied or unoccupied, within the City of Bristol Tennessee except as provided in this Ordinance.
- b. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.
  - c. No person shall park or occupy any trailer on the premises of any occupied dwelling, either of which is situated outside an approved trailer park; unless the parking of only one unoccupied trailer is parked in an accessory private garage building; provided no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.
  - d. Mobile Homes and Modular Units used for temporary or other special nonresidential uses may be permitted upon application and approval thereof by the Planning Commission in locations specifically approved by the Planning Commission under the following conditions:
    1. Businesses, such as automobile sales and mobile home sales where the property is leased.
    2. On owner-occupied property where the intent is to build a permanent structure.
2. The initial time period for locating a mobile home or modular unit on leased and owner-occupied property shall be determined upon application. Additional periods of time may be granted by the Planning Commission upon application, but said time shall not exceed five (5) years. Dwelling or sleeping in such mobile homes or modular units shall in no case be permitted. A temporary location permit must be secured from the Building Inspector prior to locating any individual mobile home or modular unit for temporary nonresidential use as stated above.
- a. The commercial or Retail sale of mobile homes shall not be allowed, under any circumstances, from any mobile home park.
  - b. Any appeal from the enforcement of the provisions of this Ordinance shall be reviewed by the Board of Zoning Appeals.
  - c. Existing parks and trailers within the Corporate Limits of the City of Bristol Tennessee, shall comply with the following anchorage requirements:
    1. The area of a mobile home lot which has been reserved for the placement of a mobile home shall be provided with adequate support for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
    2. The area of a mobile home lot which has been reserved for the placement of a mobile home shall be provided with anchors and tiedowns such as cast-in-place concrete eyelets embedded in concrete slabs, arrowhead anchors, or other devices that are used to stabilize a mobile home.
    3. Tiedown hardware shall be protected to resist corrosion, and each tiedown shall be designed to resist an allowable working load equal to or exceeding 3,400 pounds. The breaking strength shall be equal to or exceed 4,750 pounds.
    4. Tiedowns shall be placed every 12 feet starting from the front of the mobile home lot.
    5. Diagonal cross-bracing (any tiedown which deviates more than 30 degrees from a vertical direction) between ground anchors and the mobile home shall be provided in conjunction with each vertical tiedown.
    6. Existing mobile homes shall conform to this Ordinance within twelve (12) months after its adoption. Proposed Parks shall incorporate this Ordinance in the overall design of the Park.

Ord. 07-28 Updated 10/07  
Ord. 10-15 Updated 1/11

**208 - PROHIBITION OF LOT AREA REDUCTION**

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this Ordinance are not maintained.

**209 - PROHIBITION OF REQUIRED YARD OVERLAP**

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

**210 - CORNER LOT SIDE YARD REQUIREMENTS**

- A. In residential districts, the minimum setback for the side yard along an intersecting street shall be fifty percent (50%) greater than the minimum side yard setback for the district in which the lot is located. All structures, including accessory structures, shall meet the setback from the intersecting street. In all other respects, the minimum setback requirements for the district shall apply.
- B. In nonresidential districts, the minimum setback for the side yard along an intersecting street shall be equal to the front yard setback for the district in which the lot is located. All structures, including accessory structures, shall meet the setback from the intersecting street. In all other respects, the minimum setback requirements for the district shall apply.

Ord. 08-01 Updated 2/08

**211 - OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS**

On a corner lot, within the area formed by joining points on the centerlines of intersecting or intercepting streets at distances from their intersection as provided below, there shall be no obstruction to vision between a height of three (3) feet and a height of ten (10) feet, measured above the average elevation of the existing surface of each street at that centerline thereof:

- R-M, R-1A, R-1B, R-2, R-3, R-4, and R-5 districts ..... 100 ft.
- B-1A, and B-1B districts ..... 80 ft.

The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Ord. 17-7 – Updated 1/18

**212 - LOCATION OF ACCESSORY STRUCTURES ON RESIDENTIAL LOTS**

- A. It is the intent of this Section to allow accessory structures and uses subordinate in size and incidental in use to the principal building in residential districts. All accessory structures, except those in the Open Space and Reserved (O-S) Zoning District, shall comply with the following requirements:
  - 1. No accessory structure shall be allowed in any required front yard or to extend in front of the plane created by the location of the principal building relative to the front property line.
  - 2. Accessory structures shall be allowed to be located in the side and rear yards provided the following requirements are complied with:
    - a. Accessory structures shall not cover more than twenty-five percent (25%) of the affected required side yard and rear yard areas, and provided further that the district “maximum lot coverage” set forth in Section 308 – Residential Space Requirement Chart is not exceeded.

- b. Accessory structures shall be at least five feet from any side or rear lot lines and from any other building on the same site, including the principal building. Accessory structures that exceed one story or twelve (12) feet in height shall meet the required side and rear yard setbacks for the zoning district.
  - c. Accessory structures shall not exceed two (2) stories, but in no event shall any accessory structure exceed a building height of twenty-five (25) feet.
  - d. Accessory structures on lots that front on two parallel streets right-of-ways shall meet the front yard setback required by the zoning provisions on each lot frontage.
  - e. Accessory structures on lots that front on two intersecting street rights-of-way shall meet the required front yard setback from each intersecting street right-of-way.
3. Accessory structures shall not be used for human habitation except as an extension of the residential use of the principal building for residential habitation, for clearly residential, non-income producing occupancy by a family member or temporary houseguest. The use of an accessory structure as a continually occupied, income producing, separate dwelling unit for lease, rent, or trade is strictly prohibited.

Ord. 07-28 Updated 10/07  
Ord. 10-15 Updated 1/11

**213 - OFF-STREET PARKING**

1. Whenever the submission of a site plan is required under Chapter 10 there shall be provided minimum off-street parking spaces with adequate provision for ingress and egress by standard-sized automobiles in all zoning districts except B-2 and O-S. Parking shall be required in accordance with the North American Industry Classification System (NAICS) as follows:

**Parking Ratios Chart<sup>1</sup>**  
**RESIDENTIAL USES**

2002 NAICS Code		<b>REQUIRED</b>
814	Single-family and duplex residential	2 per dwelling unit
814	Multi-family residential	1.5 per dwelling unit

**COMMERCIAL USES**

2002 NAICS Code		<b>REQUIRED: 1 parking space per</b>
44-45	Retail trade <sup>2</sup>	333 sq. ft. of gross floor area
52	Finance and insurance	500 sq. ft gross floor area
55-56	Management of companies	Each employee <sup>4</sup>
72	Accommodations and food services	
	712 Accommodations	Each room
	722 Food services	100 sq. ft. gross floor area

**ARTS & ENTERTAINMENT USES**

2002 NAICS Code		<b>REQUIRED: 1 parking space per</b>
512	Theatres	4 seats
71 <sup>3</sup>	Arts, entertainment and recreation, except theatres	2,500 sq. ft. of gross floor area

**INDUSTRIAL USES**

2002 NAICS Code		<b>REQUIRED: 1 parking space per</b>
48-51	Transportation, warehousing, and	Each employee <sup>4</sup>

information

		<b>OTHER USES</b>	
2002 NAICS Code			<b>REQUIRED: 1 parking space per</b>
81	Other services		500 sq. ft. gross floor area
	8131 Houses of worship		6 seats
11-43	Agricultural, forestry, mining, fishing, hunting, utilities, construction, manufacturing and wholesale trade <sup>2</sup>		Each employee <sup>4</sup>
61	Education		5 students
62	Health care and social assistance		285 sq. ft. gross floor area
	Assisted Living Facilities		Each Unit / Each Employee <sup>4</sup>
	Nursing Home		Each Bed / Each Employee <sup>4</sup>
92	Public administration		250 sq. ft. gross floor area
54	Professional, scientific, technical services		333 sq. ft gross floor area

<sup>1</sup> Calculations of the total number of required parking spaces which yield a fractional result shall be rounded to the nearest whole number.

<sup>2</sup> Spaces at fuel pumps and in service bays may not be counted as parking spaces or as gross floor area.

<sup>3</sup> Excluding NAICS 711212

<sup>4</sup> "Each employee" refers to the number of employees at the maximum shift capacity.

The B-2E District shall require parking utilizing the Parking Ratios Chart but shall be reduced by a factor of .5 or 50 percent for all non-residential uses except food services (722). Food services (722) shall be reduced in the B-2E District as follows:

2002 NAICS Code		Reduction
7221	Full-Service Restaurants	No Reduction
7222	Limited-Service Eating Place	25%
7223	Special Food Service	50%

2. The minimum number of parking spaces for any use shall be two except in the B-2 and O-S Districts, one of which may be a parking space accessible to handicapped persons, if such is required.
3. *Required Parking Space Limited to Parking Use Only.*
  - a) All required off-street parking spaces and parking lots shall remain as permanent open space, utilized exclusively for parking and ingress and egress. Off-street parking spaces shall not be located in a designated fire lane.
  - b) Loading spaces may not be substituted for parking space requirements
4. *Parking Spaces Predating this Section's Enactment.*

- a) Any proposed addition to a main structure shall necessitate the provision of additional parking spaces for such addition as required by the Parking Ratios Chart.
- b) All such requisite new parking spaces shall be in addition to those spaces previously required by the main structure.

5. *Allowance for Parking Off-Site.*

- a) Required parking spaces shall be located on the same property with the main structure, except that in the case of structures other than single-family and duplex dwellings, required parking spaces may be placed on a separate parcel within 400 feet of the subject parcel, should the subject parcel be of inadequate size to entirely contain all the parking spaces for the main structure and additions thereto.
- b) Site plan approval is required. The property on which the off-site parking is located must be owned (or leased) by the owner of the property for which the parking serves. Proof of ownership (a deed or long-term lease) shall be provided for site plan approval. Approved parking spaces at the remote site shall be considered as if they are located on the main site. Leased parking shall require a long-term lease with a minimum term of ten (10) years duration. All proposed long-term parking leases must be reviewed and approved by the City Attorney and upon approval, recorded in the land records of the appropriate jurisdiction as part of the site plan approval process.

6. *Prohibition of the Use of Public Right-of-Way for Off-Street Parking Requirements.*

Required off-street parking shall not be located on any public right-of-way or public property. Adequate measures shall be taken to prevent the encroachment of parked vehicles onto such public properties by the use of curbs, fences or similar methods.

7. *Surface and Other Improvements.*

With the exception of single-family and two-family residences, parking spaces, lots and related improvements shall be designed, constructed and maintained in accordance with the City of Bristol, Tennessee Design Manual and all other applicable regulations.

Ord. 10-2 Updated 2/10  
 Ord. 10-15 Updated 1/11  
 Ord. 15-2 Updated 5/15  
 Ord. 17-6 Updated 1/18

**214 - OFF-STREET LOADING AND UNLOADING SPACE**

Reserved

Ord. 10-2 Updated 2/10

**215 - SUPPLEMENTARY PROVISIONS**

A. *Lot of Record*

Where the owner of a lot of record or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance at the time of its adoption (December 5, 1958), such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided the yard space and other requirements shall conform as closely as possible, in the opinion of the Board of Zoning Appeals, to the requirements of this Ordinance for the district in which such lot is located.

B. *Adjoining and Vacant Lots of Record*



If two or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance (December 5, 1958) and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lot is located.

C. *Front Yard Setbacks*

The setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots.

D. *Exceptions on Height Limits*

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

E. *Exceptions to Setback Requirements*

When minimum setback requirements for a principal structure have been established, the following exceptions shall be allowed:

1. Driveways, sidewalks, patios, and other similar structures with an elevation no more than eight (8) inches above the surrounding grade are permitted to encroach into the front, side, and rear setbacks to the property line. Steps that are part of a sidewalk may also encroach to the property line.
2. Steps, porches, decks, and other similar appurtenances of a primary structure at the first floor elevation or lower that are not covered or enclosed may encroach into the front yard setback ten (10) feet and the rear yard setback fifteen (15) feet. In both cases such encroachments must be a minimum of ten (10) feet from the front and rear property lines. Such portions of a primary structure may encroach into the side yard setback no more than six (6) feet and in all cases such side yard encroachments must be a minimum of four (4) feet from the side property line.
3. Outside stairways and fire escapes above the first floor elevation may encroach into the front, side, and rear yard setbacks four (4) feet.

For the encroachments allowed in subsections 2 and 3 above, in no case will they be allowed to cover more than thirty percent (30%) of the required setback area.

**216 - BILLBOARD AND SIGN REGULATIONS**

A. *General*

These regulations are for the purpose of eliminating confusing, distracting, and unsafe signs; to assure the efficient and necessary informational signage needs of business; to ensure adequate light, air and open space, to enhance traffic safety; and to foster a good visual environment in the city.

B. *Signs Allowed Without a Sign Permit*

The following signs are allowed without a sign permit provided that all applicable sign regulations are followed:

1. *Official Signs* – Signs used by a Federal, State, County, or City Government, or by Public Agencies, that are directional, regulatory, or informational in nature.

2. *Special Purpose Signs* – Signs for the following purposes, not to exceed specified sizes and displayed on private property as follows:

a. New Home Construction or Improvement – one sign per contractor while the work is in progress, not to exceed six (6) square feet in size and four (4) feet in height for each sign, and to be removed within seven (7) calendar days following completion of the work.

b. Subdivision Projects – two signs per project with information specific to plans for or work on the project during construction, not to exceed thirty-two (32) square feet in size and six (6) feet in height for each sign, and to be removed within eighteen (18) months of final subdivision plat approval.

c. Non-residentially Zoned Construction Site – one sign per street frontage with information specific to plans for or work on the site during construction, not to exceed thirty-two (32) square feet in size and six (6) feet in height for each sign, and to be removed within two (2) calendar days following the issuance of a Certificate of Occupancy.

d. Garage, Rummage, or Yard Sale – see Section 18-108 of the Code of Ordinances.

e. Property for Sale or Lease (Residentially zoned property) - one sign per street frontage, not to exceed six (6) square feet in size and four (4) feet in height

f. Property for Sale or Lease (Non-residentially zoned property) – one sign per street frontage, not to exceed thirty-two (32) square feet in size and six (6) total feet in height for properties less than 5 acres; 48 square feet and (8) total feet in height for properties having from 5-10 acres; 64 square feet and ten (10) total feet in height for properties having greater than ten (10) acres. The provisions regarding sign number, dimension, and height contained in this subsection may be enlarged upon approval of the City Manager. Any denial made by the City Manager under the provision of this subsection shall be subject to an appeal to the Bristol Tennessee Municipal Regional Planning Commission.

g. Property for Auction - one sign per street frontage, not to exceed sixteen (16) square feet in size and six (6) feet in height. Auction signs are to be erected no more than twenty-one (21) days prior to the auction and must be removed within two calendar days after the auction event.

h. Open House Sign - one sign per street frontage, not to exceed six (6) square feet in size and four (4) feet in height; provided the sign is not placed on the site more than five (5) calendar days prior to the day of the open house, and removed immediately following the open house.

i. Non-profit Special Event – one wall-mounted banner, not to exceed forty-eight (48) square feet in size and securely fastened to a building, that is used to promote a special event held by religious, charitable, civic, fraternal, or similar non-profit organization on the premises. The banner shall be erected no sooner than fourteen (14) days before the event and shall be removed within seven (7) days after the event. For lots with frontage on two intersecting public rights-of-way, one (1) banner shall be permitted on each building face fronting each street. The banner area for one street frontage may not be transferred to or combined with the banner area for the other street frontage.

j. *Now Hiring* – one sign per business while hiring is in progress, not to exceed six (6) square feet in size, and to be removed within seven (7) calendar days following completion of the hiring process.

3. *Political Signs* – Signs advertising political candidates or issues pertaining to an upcoming public election, displayed on private property, provided that they do not obstruct the line of sight at intersections or driveways. Political signs must be removed within ten (10) days following the election to which they pertain.

4. *Private Traffic Direction Signs* – Signs guiding the movement of traffic on private property, not to exceed ten (10) square feet in size and four (4) feet in height.

5. *Seasonal Decorations* – Seasonal decorations displayed during the season to which they pertain that do not display any form of advertising.

6. *Federal, State, or Corporate Flags*.

7. *Tourist or Boarding House Signs* – In residential districts, neither exceeding two (2) square feet, nor illuminated.

8. *Window signs* not exceeding fifty (50) percent of the total window area and which provide adequate visibility for security and public safety.

9. *Pennants and streamers* – Outdoor sales establishments located in the B-3 zoning district may utilize horizontally or vertically-oriented pennants or streamers immediately over or adjacent to the outdoor sales area, provided (1) that the pennants or streamers are attached to a fixed object, not located within the public rights-of-way, at least seven (7) feet above ground at the lowest point for pennants and streamers with a horizontal orientation, and (2) that the pennants and streamers do not create excessive movement or glare so as to be distracting to motorists or create a traffic hazard.

10. *Banners* – Banners that comply with subsection D.2.b.

11. *Vertically-oriented pole banners* – Vertically-oriented pole banners that comply with subsection D.2.c.

### C. Prohibited Signs

1. Signs that imitate traffic signs or signals – Signs which imitate or resemble official traffic signs or signals, or may be confused with traffic control devices, or contain words such as "Stop", "Go", "Slow", "Danger", "Caution", "Warning", and "Yield", with the exception of funeral signs; provided further, that funeral signs do not exceed six (6) square feet in size and four (4) feet in height, and are limited to not more than two (2) signs placed in the immediate area of need.

2. Signs that obscure – A sign that obscures from view a traffic control device or sign, or blocks or obstructs the line of sight at intersections or driveways.

3. Signs in the right-of-way – Signs in any public right-of-way except official signs and other signs authorized by the City Manager pursuant to Sec. 62-10 of the Code of Ordinances.

4. Illegal Signs – A sign erected after the adoption of this section which is not in conformance with the provisions of this section.

5. Signs or inflatable objects – Signs or inflatable objects, with or without blowers for added movement.

6. Snipe Signs – Signs which are painted, pasted, or attached to utility poles, fences, retaining walls, public property or natural structures (i.e., trees, rocks, etc.); except that official signs may be attached to utility poles with appropriate utility approval.

7. Flashing Signs – All signs having blinking, flashing, or alternating lights of any kind.

8. Disorienting Signs – Signs that use lighting which causes glare, disorientation, or otherwise is distracting to motorists and creates a traffic hazard.

9. Portable signs after January 1, 2010.

#### *D. General Provisions For Signage*

##### 1. Code Compliance

a. All signs must comply with all applicable building, electrical, and other codes. The city manager may order the installation or electrical connection of any sign to be stopped, or may order the removal, repair, or electrical disconnecting of any preexisting sign, when deemed necessary to ensure compliance with applicable building, electrical, or other codes, or for public safety. The issuance of a Sign Permit, which certifies compliance with this section, must pre-date the issuance of building or electrical permits.

b. Abandoned Signs – At the time a business or other use at a location moves to another location or ceases to exist, all signage pertaining to said prior establishment must be removed within thirty (30) days after notification by the city at the property owner's expense.

c. Maintenance – Regular maintenance shall be performed to prevent deterioration. Any sign not maintained in a state of good repair shall be removed at the property owner's expense within thirty (30) days of notification.

d. Sign Measurement – Sign area shall be measured by encompassing all sign panels, brand logos, and brand symbols, with a single rectangle, square, circle, or other geometric shape that best fits the outer-most edges of the sign panel, brand logo, or brand symbol. Advertising panels, logos, and symbols separated by distinctive areas, spaces or filling panels may be measured separately. Only one side of a two-sided sign shall be measured to determine allowable area.

e. Sign Lighting – All signage lighting shall conform to Section 50-30 of the Code of Ordinances.

##### 2. Temporary Signs

a. Portable Signs: Provision for portable signs was repealed as of December 31, 2009 by Ordinance 07-2.

##### b. Banners

1. Up to Two (2) banners per premise, not to exceed twenty-four (24) square feet in size and to be set back from the right-of-way at least ten (10) feet, are permitted for a period not to exceed seven (7) consecutive days, up to two (2) non-consecutive seven day periods during a calendar year, in conjunction with community events as authorized by the city manager.

2. One (1) wall-mounted banner per premise, not to exceed forty-eight (48) square feet in size and to be securely fastened to a building, is permitted in all non-residential districts except for the B-2 District, in which district no wall-mounted banners are permitted. For lots with frontage on two intersecting public rights-of-way, one (1) banner shall be permitted on each building face fronting each street. The banner area for one street frontage

may not be transferred to or combined with the banner area for the other street frontage.

3. One (1) downtown banner per premises in the B-2 Central Business District not to exceed six (6) square feet in size; provided, such banner shall not project more than 2 feet from the building and shall not interfere with pedestrian traffic.

c. Vertically-oriented pole banners – A vertically-oriented pole banner, not to exceed twelve (12) square feet in size attached to a private pole at least seven (7) feet above ground at the lowest point and not more than two per pole, placed on non-residentially zoned property provided that the banner is:

1. Made of cloth, flexible plastic, vinyl or similar material, and not cardboard, wood, rigid plastics or similar rigid material;

2. Affixed securely to the pole using a mounting bracket; and

3. Not designed to rotate, move or spin so as to be distracting to motorists and create a traffic hazard.

d. Business Special Promotional Events

Notwithstanding any provision of this Section 216 to the contrary, the city manager may issue a permit to a business establishment in a B-3 district allowing such business to display additional signage and devices during a special promotional event held on its premises not more than six (6) times during a calendar year. The holder of such a permit shall be entitled to display the following during a promotional event on the premises for a period which does not exceed fourteen (14) consecutive days:

(1) banners which are firmly attached on all four corners to a permanent sign structure; provided, each such banner shall not interfere with vehicular sight distance along public street and the bottom of the banner shall be at least seven (7) feet above ground level.

(2) search lights, inflatable traffic builders, sky dancers, blimps and feather signs.

No such sign or device shall be displayed or located within ten (10) feet of the public street right-of-way. No more than six (6) permits may be issued for special events on a single tax parcel during a calendar year. The permit fee shall be established by the city council.

e. Business Grand Opening/Re-opening

Notwithstanding any provision of this Section 216 to the contrary, the city manager may issue a permit for the grand opening of a newly-opened business establishment, or the reopening of an existing business, to display additional signage and devices for a period of thirty (30) consecutive days surrounding its opening or re-opening. No such sign or device shall be displayed or located within ten (10) feet of the public right-of-way. For purposes of this provision, a "re-opening" means the construction of a significant real property improvement as evidenced by the issuance of a building permit.

Ord. 12-10 Updated 9/12

### 3. *Free-Standing Signs*

Freestanding signs which are nonportable signs not mounted on buildings for structural support and attached to the ground with poles or other devices must comply with the following standards:

- a. *Minimum Setback from Property Line(s)* - 5 feet, except:
  - 1. At corner lots - 10 feet, or as required by Planning Commission Staff in cases in which traffic visibility may be impaired.
  - 2. At establishments (either allowed or preexisting nonconforming) in residential zones - 15 feet.
  - 3. When the existing structures along a road frontage are set back less than the minimum front yard requirements, the sign setback may be less than the minimum, but not less than the average setback of all signs in the same block and zone within 200 feet of the site of proposed sign. In any case, the sign shall not be located within a street right-of-way.
  
- b. *Maximum Sign Area* - See Chart, Subsection F of this Section
  
- c. *Maximum Height* - See Chart, Subsection F of this Section
  
- d. *Number of Freestanding Signs Allowed*
  - 1. Each lot or parcel (inclusive of lease parcels or out-parcels) or group of lots or parcels used by one establishment or group of establishments within a single structure shall be permitted one (1) freestanding sign.
  
  - 2. For lots with frontage on two intersecting public rights of way, one (1) freestanding sign shall be permitted on each frontage, provided that each sign is placed a minimum of fifty feet (50') from the intersecting street right of way line. The sign area for one street frontage may not be transferred to or combined with the sign area on the other street frontage.
    - (a) For lots with frontage of 400 feet or more along a public right of way, one (1) additional freestanding sign shall be permitted with a maximum number of freestanding signs of two (2) for non-corner lots and three (3) for lots on intersecting rights-of-way. When two signs are allowed on a single street frontage under this provision, they must be separated by a minimum distance of 200 feet.
      - i. Shopping centers, office complexes, and other groups of buildings that include two or more business or buildings and are part of a cohesive development approved with an overall site plan, shall be permitted one (1) shared complex sign for each street frontage in lieu of individual freestanding signs.
      - ii. Minimum Ground Clearance – 7 feet (exception – signage in landscaped areas, away from pedestrian or vehicular traffic, and not blocking traffic visibility).
  
- e. B-1A and B-1B and PRD Nonresidential Uses
  - 1. Sign area
    - (a) Free standing signs – Three quarters (0.75) of a square foot for each linear foot of building face parallel to a public right of way with a maximum area of seventy-five (75) square feet per sign. Monument signs are allowed one (1) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred (100) square feet per sign. In no case will a lot or parcel be limited to sign area less than thirty-two (32) square feet.
 

*Exception* – For lots that are allowed two (2) freestanding signs on a single street frontage under the provisions of Section 3.d.3 above, the sign area shall be determined by the formula above with a maximum area of one hundred fifty (150) square feet for a freestanding sign or two hundred (200) square feet for a monument sign. The sign area may be split between two separate signs or combined into one.
    - (b) Complex signs – Three quarters (0.75) of a square foot for each linear foot of building face for all buildings within the development with a maximum area of

one hundred fifty (150) square feet per sign. Monument signs are allowed one (1) square foot of sign area for each linear foot of building face for all buildings within the development with a maximum area of two hundred (200) square feet per sign. The linear footage shall be measured at the side of the building providing the primary building entrance. Only one building side for each building may be utilized for computation purposes.

2. Maximum Height – Twenty-five (25) feet for a freestanding sign and ten (10) feet for a monument sign, measured from the crown of the adjacent roadway.

*Exception* - In no case shall a freestanding sign be required to be less than ten (10) feet in height measured from the average grade of the land surrounding it.

f. **B-2 and B-2E District Sign Area and Height**

1. Sign area

- (a) Free standing signs – One (1) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred (100) square feet per sign. Monument signs are allowed one and one-quarter (1.25) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred twenty-five (125) square feet per sign. In no case will a lot or parcel be limited to sign area less than thirty-two (32) square feet.

*Exception* – For lots that are allowed two (2) freestanding signs on a single street frontage under the provisions of Section 3.d.3 above, the sign area shall be determined by the formula above with a maximum area of two hundred (200) square feet for a freestanding sign or (250) square feet for a monument sign. The sign area may be split between two separate signs or combined into one.

- (b) Complex signs – One (1) square foot for each linear foot of building face for all buildings within the development with a maximum area of two hundred (200) square feet per sign.—Monument signs are allowed one and one-quarter (1.25) square foot of sign area for each linear foot of building face for all buildings within the development with a maximum area of two hundred fifty (250) square feet per sign. The linear footage shall be measured at the side of the building providing the primary building entrance. Only one building side for each building may be utilized for computation purposes.

2. Maximum Height –Twenty-five (25) feet for a freestanding sign and ten (10) feet for a monument sign, measured from the crown of the adjacent roadway.

*Exception* - In no case shall a freestanding sign be required to be less than ten (10) feet in height measured from the average grade of the land surrounding it.

g. **B-3 and P-B District Sign Area and Height**

1. Sign area

- (a) Free standing signs – One (1) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred twenty (120) square feet per sign. Monument signs are allowed one and one-quarter (1.25) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred fifty (150) square feet per sign. In no case will a lot or parcel be limited to sign area less than thirty-two (32) square feet.

*Exception* – For lots that are allowed two (2) freestanding signs on a single street frontage under the provisions of Section 3.d.3 above, the sign area shall be determined by the formula above with a maximum area of two hundred forty (240) square feet for a freestanding sign or three hundred (300) square feet for a monument sign. The sign area may be split between two separate signs or combined into one.

(b) Complex signs - One (1) square foot for each linear foot of building face for all buildings within the development with a maximum area of two hundred forty (240) square feet per sign. Monument signs are allowed one and one-quarter (1.25) square foot of sign area for each linear foot of building face for all buildings within the development with a maximum area of three hundred (300) square feet per sign. The linear footage shall be measured at the side of the building providing the primary building entrance. Only one building side for each building may be utilized for computation purposes.

2. Maximum Height – Thirty (30) feet for a freestanding sign and ten (10) feet for a monument sign, measured from the crown of the adjacent roadway.

*Exception* - In no case shall a freestanding sign be required to be less than ten (10) feet in height measured from the average grade of the land surrounding it.

h. *M-1, M-2 and M-3 Manufacturing District Sign Area and Height*

1. Sign area

(a) Free standing signs – One (1) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred twenty (120) square feet per sign. Monument signs are allowed one and one-quarter (1.25) square foot for each linear foot of building face parallel to a public right of way with a maximum area of one hundred fifty (150) square feet per sign. In no case will a lot or parcel be limited to sign area less than thirty-two (32) square feet.

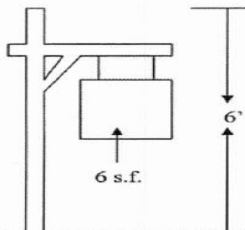
(b) Complex signs - One (1) square foot for each linear foot of building face for all buildings within the development with a maximum area of two hundred forty (240) square feet per sign. Monument signs are allowed one and one-quarter (1.25) square foot of sign area for each linear foot of building face for all buildings within the development with a maximum area of three hundred (300) square feet per sign. The linear footage shall be measured at the side of the building providing the primary building entrance. Only one building side for each building may be utilized for computation purposes.

2. Maximum Height – Thirty (30) feet for a freestanding sign and ten (10) feet for a monument sign, measured from the crown of the adjacent roadway.

*Exception* - In no case shall a freestanding sign be required to be less than ten (10) feet in height measured from the average grade of the land surrounding it.

i. *R-O District Sign Area and Height*

Free-standing signs shall be single post bracket signs containing one double-faced sign panel with a maximum area per face of six (6) square feet. The maximum height of the sign is six (6) feet. The minimum setback from the property line is five (5) feet.





#### 4. *Wall-Mounted Signs*

- a. A wall sign shall not protrude more than eighteen (18) inches from the wall to which it is attached.
- b. A wall sign shall not exceed two (2) square feet of area for each linear foot of building face parallel to a public right-of-way. A wall sign may be placed on a wall that is not parallel to a public right of way, but the amount of sign area that is permitted on each building is determined solely by the wall(s) parallel to a public right-of- way.
- c. Wall signage may not extend above the roofline or canopy structure.
- d. Wall mounted signs may include projecting signage. Projecting signs shall comply with the following provisions:
  1. Minimum height – 10 feet above the entrance sidewalk or pavement surface.
  2. Maximum Projection – shall project no more than 4 feet from the building.
  3. Within the B-2 Central Business District and B-2E Central Business Expansion District, flat mounted and projecting signs, including those attached to an awning, may be approved within an area dimensionally within (above) the public right-of-way providing all attachments are approved.
- e. A wall-mounted sign on an existing building may be temporarily covered or replaced with a banner due to a change in ownership or business-name change for a period up to six (6) months provided:
  1. A permit is secured;
  2. The permit fee is paid;
  3. The banner is securely fastened and fully complies with the placement locations set forth in 216.D.2.b.1; and
  4. The banner does not exceed the maximum sign allowance for a wall-mounted sign.
- f. The maximum allowed total combined area of all wall-mounted signs in the Residential Office (R-O) District is three (3) square feet.

The use of a banner as a temporary replacement for a permanent wall-mounted sign shall not be deemed to constitute a wall-mounted banner permitted in 216.D.2.b.1.

#### 5. Electronic Message Board

- a. Except as provided in Section 216.B.1, an Electronic Message Board (board) shall be permitted on non-residential property in the B-3 (General Business) and PB (Planned Business) Districts, provided:
    1. Not more than one board may be placed on a lot or parcel (inclusive of leased parcels or out-parcels); and
    2. Automatic nighttime dimming devices shall be installed and operated in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
6. Regional Entertainment Facilities Signs - Regional entertainment facilities that meet the following conditions:
- a. Must be permanent, freestanding structures.

- b. Minimum Setback from property line: 10 feet, unless located on a corner, which shall require 15 feet.
  - c. Maximum Height--45 feet
  - d. Allowable square footage:
    - 1. Total advertising area: Maximum of 1000 square feet.
    - 2. Electronic Messaging shall be limited to 55% of the total sign advertising area, no greater than the maximum of 550 square feet.
  - e. Number of Regional Entertainment Facilities Signs Allowed: Limited to one freestanding sign per arterial roadway frontage.
  - f. Electronic Messaging: permitted based upon the definition of Electronic Message Sign, see the definition as found in Section 203.
  - g. Nighttime Dimming: Automatic nighttime dimming devices must be installed and operational at all times. Dimming specifications shall be as in the Federal Highway Administration Manual of Uniform Traffic Control Devices (MUTCD), as amended, and as in Section 216 (C) 9 of this chapter.
7. Border Region Retail Tourism Development District Signage

Businesses located in a commercial development within the Border Retail District shall be allowed signage as provided in this subdivision.

a. Perimeter Development Advertising

*Interstate oriented signs* are permitted on parcels which are within 660 feet of the Interstate 81 right-of-way subject to the following:

- 1. Each such parcel shall be allowed (1) one interstate oriented sign
- 2. Maximum sign area shall not exceed 800 square feet
- 3. Maximum sign height (from grade) shall not exceed 60 feet
- 4. Sign must be located within 660 feet of the Interstate 81 right-of-way

b. Internal Development Advertising

*Major (Directional) multi-tenant signs* – shall be limited as follows:

- 1. Maximum sign area shall not exceed 300 square feet
- 2. Maximum sign height (from grade) shall not exceed 40 feet
- 3. Orientation shall be such that face of sign is visible from a major arterial roadway

*Minor (Directional) multi-tenant signs* – shall be limited as follows:

- 1. Maximum sign area shall not exceed 240 square feet
- 2. Maximum sign height (from grade) shall not exceed 30 feet

*Other free-standing signs* – shall be allowed as provided in Section 216.D.3.d but limited as follows:

- 1. Maximum sign area shall not exceed 35 square feet
- 2. Maximum sign height (from grade) shall not exceed 10 feet
- 3. Section 216.D.3.d.2(a) i and ii shall not apply

*Wall Mounted Signs* – shall be limited as follows:

- 1. Maximum sign area shall not exceed 3 square feet for each linear foot of building face that is parallel to a public street or to an officially named private right-of-way
- 2. Maximum sign height shall not exceed the roofline of the structure

8. *Sign Measurement:*

Panel designed signs – the sign area for panel designed signs shall be measured by encompassing all sign panels, brand logos, and brand symbols, with a single rectangle, square, circle, or other geometric shape that best fits the outer-most edges of the sign panel, brand logo, or brand symbol. Advertising panels, logos, and symbols separated by distinctive areas, spaces or filling panels may be measured separately.

Channel letters – Channel letters and brand logos or brand symbols shall be measured by encompassing all letters, brand logos, and brand symbols with a single rectangle, square, circle or other geometric shape that best fits the outer-most edges of the letters, logos, and symbols.

Computation and Measurement of Sign Area – Attachment A provides guidance and examples of the computation and measurement of sign area.

9. Sign Lighting – All signage lighting shall conform to Section 50-30 (Outdoor Lighting) of the Code of Ordinances.

10. Recreational Vehicle Development Signage – Recreational Vehicle Developments are allowed the following signage:

- a. Recreational Vehicle Developments are allowed one freestanding sign or one monument sign.
  1. Freestanding signs – for recreational vehicle developments approved under Section 226, a maximum area of one hundred twenty (120) square feet.
  2. Monument signs are allowed with a maximum area of one hundred fifty (150) square feet.
- b. For corner properties, each street frontage shall be considered separately

E. *Outdoor Advertising Structures*

The following regulations shall apply to an outdoor advertising structure:

1. Permitted in B-3, M-1, and M-2 zones only.
2. Must be mounted on a painted steel monopole structure.
3. May contain digital messages provided that such messages:
  - a. Remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;
  - b. Does not contain video, continuous scrolling messages or animation;
  - c. Is separated at least 2,000 feet from another digital outdoor advertising sign; and
  - d. Meets the dimming specifications contained in the Federal Highway Administration Manual of Uniform Traffic Control Devices (MUTCD), as amended, and as in Section 216 (C) 9.
4. An outdoor advertising structure may contain either one or two faces. Multiple display areas may be placed on each face. On two-faced structures the faces shall be either (1) back-to-back not more than ten-feet apart or (2) a V-type unit whose two faces are not farther than 15 feet apart at the farthest point between the back of the two faces. The maximum area per face shall not exceed 672 square feet in the B-3 zone, and the maximum area for all faces shall not exceed 1,344 square feet in the B-3 zone. The maximum area per face shall not exceed 300 square feet in the M-1 and M-2 zones, and the maximum area for all faces shall not exceed 600 square feet in the M-1 and M-

2 zones. The area of a face shall be computed by all means of the smallest square, circle, rectangle, or triangle that will encompass its extreme limits exclusive of base supporting members which bear no message.

5. An embellishment, which is a temporary addition to the display area on which a continuation of the advertising message is placed, is permitted provided the total area of the embellishment does not exceed 10 percent of the maximum area per face of 672 square feet, for a maximum of 67.2 square feet in the B-3 zone; or 10 per cent of the maximum area per face of 300 square feet, for a maximum of 30 square feet, in a M-1 or M-2 zone. In no instance shall an embellishment cause the maximum height of a face to exceed the maximum height otherwise allowed in subsection 6 herein by more than four feet.
6. Outdoor advertising structures up to 300 square feet per face shall not be placed closer to a lot line than 25 feet, with outdoor advertising structures over 300 square feet not placed closer to a lot line than 50 feet.
7. The minimum height of an outdoor advertising structure shall be 15 feet above grade as measured from the bottom of the face, and the maximum height of an outdoor advertising structure shall be 45 feet above grade as measured from the top of the face.
8. An outdoor advertising structure shall not be erected:
  - a. Within 100 feet from any street intersection;
  - b. Within five (5) feet of any building on the same lot;
  - c. Within a distance of the sum of the height of the outdoor advertising structure plus five (5) feet of any building on an adjacent lot, provided however, that this requirement may, however, be waived if written permission is granted by the owner of the adjacent building in question. In such instance, the advertising structure must not be within 5 feet of the adjacent building in question;
  - d. Within 150 feet of any residential zoned district, or within 150 feet of any residential structure in any other district, unless written permission is granted by the owner of said residential structure. In such instance, the advertising structure must not be within five (5) feet if the residential structure in question;
  - e. For an outdoor advertising structure not exceeding 300 square feet per face, within 2,000 feet from any other outdoor advertising structures;
  - f. For an outdoor advertising structure exceeding 300 square feet per face, within 3,000 feet from any other outdoor advertising structure;
  - g. Within 200 feet of, or oriented toward, certain streets that have been designated as having special sign restrictions, including Anderson Street from Martin Luther King Jr. Boulevard to Volunteer Parkway, Martin Luther King Jr. Boulevard from State Street to Anderson Street, and Weaver Pike from Volunteer Parkway to Industrial Drive; or
  - h. Within 500 feet of the property line of a public school, cemetery, public park, public playground, public recreation areas, public buildings used primarily as places of public assembly, or designated historic sites.
9. Existing outdoor advertising structures on Volunteer Parkway may be maintained, improved or replaced only if the sign area is not increased except as otherwise provided by T.C.A. 13-7-208(h). The number of outdoor advertising structures on Volunteer Parkway shall be limited to a maximum of 15 locations.
10. Each outdoor advertising structure shall be subject to an annual fee to be fixed by the City Manager.

## F. Freestanding Sign Chart

Zoning and Sign Type	Sign Area Formula	Maximum Size	Maximum Height	Minimum Setback
<b>B-1A, B-1B, PRD</b> Freestanding	0.75 sq ft/linear ft building face	75 sq ft	25 ft	5 ft
Monument	1.0 sq ft/linear ft building face	100 sq ft	10 ft	5 ft
Complex, Freestanding	0.75 sq ft/linear ft building face	150 sq ft	25 ft	5 ft
Complex, Monument	1.0 sq ft/linear ft building face	200 sq ft	10 ft	5 ft
<b>B-2 and B-2E</b> Freestanding	1.0 sq ft/linear ft building face	100 sq ft	25 ft	5 ft
Monument	1.25 sq ft/linear ft building face	125 sq ft	10 ft	5 ft
Complex, Freestanding	1.0 sq ft/linear ft building face	200 sq ft	25 ft	5 ft
Complex, Monument	1.25 sq ft/linear ft building face	250 sq ft	10 ft	5 ft
<b>B-3 &amp; PBD</b> Freestanding	1.0 sq ft/linear ft building face	120 sq ft	30 ft	5 ft
Monument	1.25 sq ft/linear ft building face	150 sq ft	10 ft	5 ft
Complex, Freestanding	1.0 sq ft/linear ft building face	240 sq ft	30 ft	5 ft
Complex, Monument	1.25 sq ft/linear ft building face	300 sq ft	10 ft, 240 sq ft or less 15 ft, 241 sq ft or more	5 ft
<b>M-1, M-2, &amp; M-3</b> Freestanding	1.0 sq ft/linear ft building face	120 sq ft	30 ft	5 ft
Monument	1.25 sq ft/linear ft building face	150 sq ft	10 ft	5 ft
Complex, Freestanding	1.0 sq ft/linear ft building face	240 sq ft	30 ft	5 ft
Complex, Monument	1.25 sq ft/linear ft building face	300 sq ft	10 ft, 240 sq ft or less 15 ft, 241 sq ft or more	5 ft
<b>R-M, R-1A, R-1B, R-2, R-3, R-4, R-5, MH &amp; PRD</b>	All permitted signs allowed 32 sq ft	32 sq ft	25 ft	15 ft
<b>Open Space and Reserved (O-S)</b>	N/A	64 s. f. maximum	10 feet	10 feet along front yard and 50 feet from side yard

Regardless of formula results, no freestanding sign shall be limited to less than 32 sq ft.

Sign height shall be measured from the crown of the adjacent public roadway. In no case will a freestanding sign be required to have a height less than 10 feet measured from the average grade of the land surrounding it.

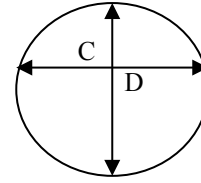
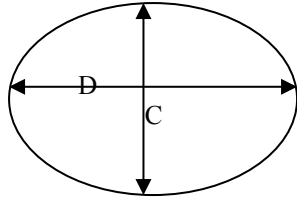
Signs placed near an intersection of two public streets must be a minimum of 10 feet from each property line and must meet the sight triangle requirements.

Ord. 10-15 - Updated 1/11

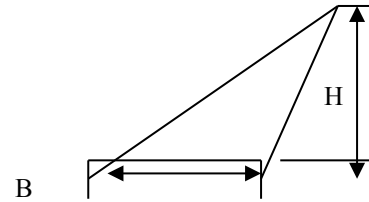
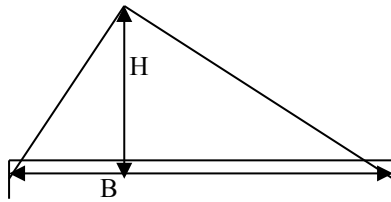
Ord. 17-6 - Updated 1/18

Ord. 17-7 – Updated 1/18

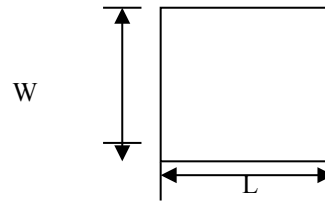
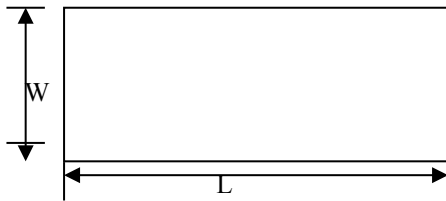
## Computation of Sign Area



Calculation:  $\text{Area} = \frac{\pi \times C \times D}{4}$ , where  $\pi = 3.14$  or  $\frac{22}{7}$

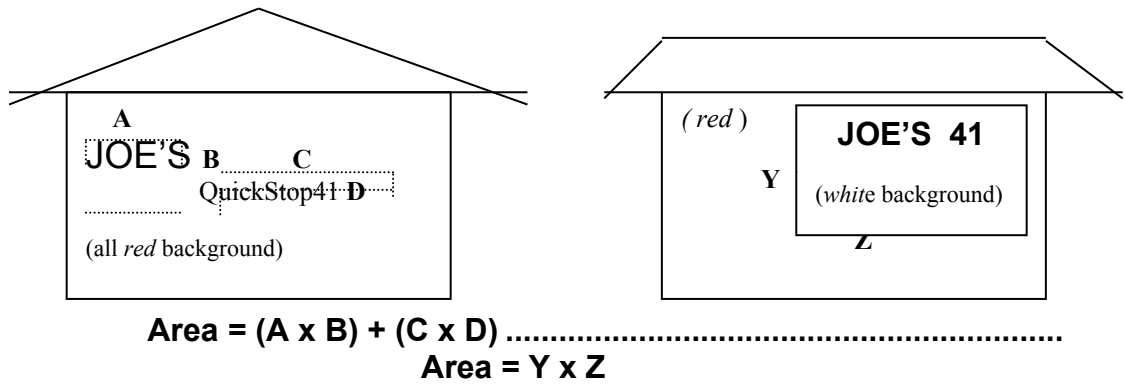
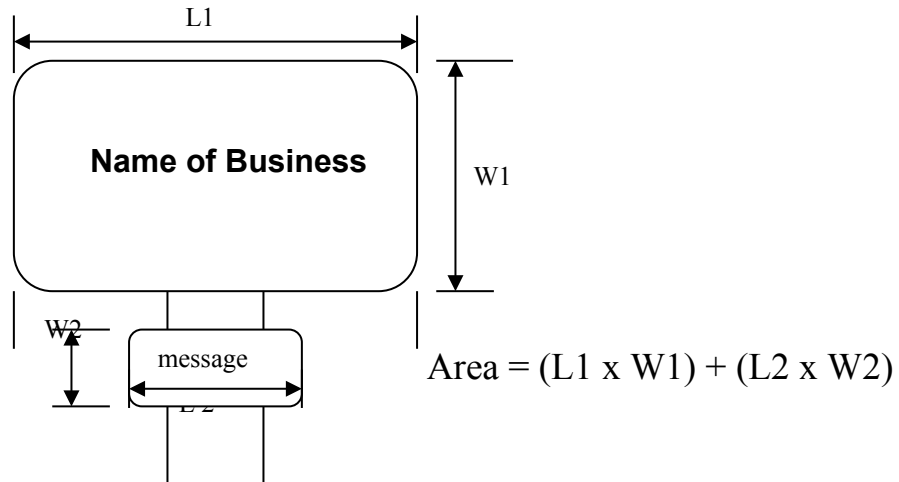


Calculation:  $\text{Area} = \frac{B \times H}{2}$



Calculation:  $\text{Area} = L \times W$

## Sign Measurement Examples





## G. Non-Conforming Signs

Subject to the termination provisions herein stated, lawful nonconforming signs (but excluding nonconforming portable signs) may continue in operation provided the sign is not enlarged, moved, or replaced. If such a sign is brought into compliance with the rest of Section 216, it may be then treated as a conforming sign and not be subject to these termination provisions.

## H. Administration

No person shall erect, construct, affix, paint to create a new sign, alter, or relocate a sign until an application has been submitted in the form required by the City Manager, accompanied by the appropriate permit fee, and after a sign permit is issued in accordance with this section. The permit fee shall be established and modified by the City Council from time to time. Normal maintenance and repair shall not require a permit. This provision shall not apply to signs which are allowed without a permit under subsection B.

Ord.08-21 Updated 9/08  
Ord. 09-19 Updated 8/09  
Ord. 09-25 Updated 11/09  
Ord. 10-2 Updated 3/10  
Ord. 10-26 Updated 6/10  
Ord. 11-20 Updated 10/11  
Ord. 13-9 Updated 11/13

## 217 - SPECIAL USE PERMIT

The Planning Commission shall have the power to hear and decide only such special uses as the Planning Commission is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special uses should be granted; and to grant special uses with such conditions and safeguards as are appropriate under this Ordinance, or to deny special uses when not in harmony with the purpose and intent of this Ordinance. A special use shall not be granted by the Planning Commission unless and until:

1. A written application for a special use is submitted indicating the section of this Ordinance under which the special use is sought and stating the grounds on which it is requested.
2. Public notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special use is sought, or his agent, shall be notified of the hearing. A notice shall be posted on the property for which a Special Use Permit is sought. Required costs associated with advertising the public hearing will be paid by the applicant.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
4. The Planning Commission shall make a finding, if indeed empowered under the section of this Ordinance described in the application, to grant or deny the Special Use Permit. The granting of the special use may be done on the determination that the use in question will not adversely affect the public interest.
5. A Special Use Permit fee established by the City Council shall be submitted with the written application.
6. Before any Special Use Permit shall be issued, the Planning Commission shall take into consideration the specific rules governing individual special uses and determine that

satisfactory provision and arrangement has been made concerning 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 (a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in 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 yards and other open space;
  - h. General compatibility with adjacent properties and other property in the district.
7. A Special Use Permit issued pursuant to Section 301(3)h, for a continuum health care community shall be approved by the Council of the City.
  8. A Special Use Permit request for an adult entertainment establishment must comply with the provisions of Section 221. (Ord. No. 93-44, § II, 1-4-94)

Ord. 09-20 Updated 08/09

## **218 – SPECIAL EXCEPTION**

### **A. General**

1. The Board of Zoning Appeals shall have the power to hear and decide on such Special Exceptions specifically authorized to be reviewed by the terms of this Ordinance and to decide such questions as are involved in determining whether certain Special Exceptions should be granted; and to grant Special Exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny Special Exceptions when not in harmony with the purpose and intent of this Ordinance. A Special Exception shall not be granted by the Board of Zoning Appeals unless and until:
  - a. A written application is submitted for a Special Exception permitted by this Ordinance.
  - b. Public notice shall be given at least 15 days in advance of public hearing. The owner of the property for which Special Exception is sought, or his agent, shall be notified of the hearing. A notice shall be posted on the property for which a Special Exception is sought.
  - c. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
  - d. The Board of Zoning Appeals shall make a finding empowered under the section of this Ordinance described in the application, to grant or deny the Special Exception. The granting of the Special Exception may be done on the determination that the exception meets all criteria specified under the applicable Special Exception.
  - e. A Special Exception fee established by the City Council shall be submitted with the written application.
  - f. When staff approval is provided for, the provisions of b, c, and d above shall apply when the conditions for staff approval cannot be met.

### **B. Wireless Transmission Facilities**

Wireless transmission facilities may be allowed as a special exception in the R-M, R-1A, R-1B, R-2, R-3, R-4, and R-5 districts, provided that all provisions of this section and Section 221 of the *Zoning Ordinance* have been met.

## 219 - TEMPORARY USES

- A. *Temporary Tent Sales* of items other than described in B. and C. below shall be only permitted when conducted by and on the premises of a business operating out of a permanent structure on said premises and offering for sale similar merchandise.
- B. *Temporary Seasonal Sales* of unprocessed agricultural or horticultural products related to the seasonal demand or availability of such product; including but not limited to: fresh fruits and vegetables, Christmas trees and bedding plants may be permitted provided that: (1) Horticultural and agricultural products shall exclude nonedible flora which is ordinarily available through established floral outlets without regard to season; (2) Temporary seasonal sales operators submit a Site Plan for review by the appropriate City officials; and (3) Such operations are limited to three months of operation.
- C. *Temporary Long-Term Sales* of agricultural and horticultural products, including but not limited to: fresh fruits and vegetables, Christmas trees, and bedding plants; may be permitted provided that: (1) Horticultural and agricultural products shall exclude nonedible flora which is ordinarily available through established businesses; (2) Temporary long-term sales operations are subject to Site Plan review and Planning Commission review; and (3) In order to be considered temporary, the operation shall have a period of inactivity during the year of at least one month.
- D. *Temporary Mobile Vending Units*, including but not limited to trucks, trailers, carts or similar units, may be permitted provided that such units; (1) are located on commercially zoned private property; (2) have written permission from the property owner; (3) obtain all applicable licenses and permits; and (4) are removed from the permitted premises when not in use between the hours of 10:00 p.m. and 6:00 a.m. This provision does not apply to mobile vending units that are operated in conjunction with community events as authorized by the city manager.

Ord. 14-21 Updated 1/15

## 220 - Adult Entertainment Establishments

### A. *Purpose*

The purpose of this Section is to establish reasonable zoning regulations for adult oriented establishments so as minimize the deleterious secondary effects of such businesses, thereby promoting the health, safety, moral and general welfare of the citizens of the city. Nothing in this Section is intended, nor shall it be construed so as, (1) to impose a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials; (2) to restrict or deny access by adults to sexually oriented materials protected by the First Amendment; (3) to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; or (4) to condone or legitimize the distribution of obscene material.

### B. *Permitted Use*

Adult oriented establishments shall be permitted only in the B-3 (General Business) and M-2 (General Industrial) zoning districts, provided that the establishment:

1. is not located within one thousand (1,000) feet of a child care facility, school (public, private or charter), public park, family recreation center, residence, place of worship, funeral home or mortuary, library, hospital, retail liquor store or residentially zoned property, as measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the

parcel containing an adult oriented establishment to the nearest point on the property line of a parcel containing a child care facility, school, public park, family recreation center, residence, place of worship, funeral home or mortuary, library, hospital, retail liquor store or residentially zoned property;

2. if in a B-3 (General Business) zoning district, is located on and has access to an arterial street as designated on the city's Major Road Map adopted by the Planning Commission;

3. is not located in a within the boundaries of a Border Region Retail Tourism Development District as certified under Tennessee Code Annotated Section 7-40-101 *et seq.*; and

4. is not located within one-half (1/2) mile of any other adult oriented establishment, as measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each establishment is located.

Ord. 12-7-Updated 7-12

## **221 - WIRELESS TRANSMISSION FACILITIES**

1. See Section 203 for definitions.
2. Procedures

The placement, construction and modification of wireless transmission facilities are provided for in this ordinance through a procedure which generally requires approval by the Board of Zoning Appeals, the Planning Commission or both. Subject to the provisions of this ordinance:

- a. Wireless transmission facilities are permitted if approved by the Board of Zoning Appeals as a "special exception" within the R-M, R-1A, R-1B, R-2, R-3, R-4, and O-S zoning districts and are subject to site plan approval by the Planning Commission.
- b. Wireless transmission facilities are permitted uses, subject to site plan approval by the Planning Commission, within the B-1A, B-1B, B-3, PBD, M-1, M-2 and M-3 districts.
- c. The co-location of wireless transmission facilities on existing structures is permitted in all districts and may be approved by Community Development staff upon a satisfactory showing of compliance with all the requirements of this ordinance except those set forth in Sections 4B, 4C, 4E, 4F and 4G, for which co-locations shall be exempt.
- d. The failure of Community Development to act on an application which is determined to be complete within 30 days, unless extended by agreement, may be grounds for the applicant to request submission to the appropriate approving authority.
- e. Temporary wireless transmission facilities shall be allowed as follows:
  1. A temporary wireless transmission facility may be established on the site of an existing wireless transmission facility when such existing facility is out of service due to construction or repair, or during the construction of a wireless transmission facility for which a permit has been issued in accordance with this ordinance. The maximum height of a temporary wireless transmission facility shall be 100 feet.

An application for a permit for this type of temporary wireless transmission facility shall be considered a "co-location" and subject to approval by city staff. The temporary facility may be used operationally for a maximum of three (3) months and shall be removed no later than three (3) months after the date of issuance of the permit; provided, however, that an extension of three (3) additional months may be granted upon a showing of good cause therefore.

2. Temporary wireless transmission facilities which are used to accommodate increased wireless telecommunications during special events such as regional festivals, sporting events or significant public gatherings may be permitted within the R-M, R-1A, R-1B, R-2, R-3, R-4, R-5 and O-S zoning districts upon approval by the Board of Zoning Appeals as a "special exception."

Temporary wireless transmission facilities used for special events shall be permitted to operate for a period not to exceed seven (7) days. A maximum of two successive permits may be allowed to the same wireless service provider. An applicant may request a "short-term" temporary permit to operate for a period not to exceed three (3) days to allow for usage on successive weekends. There will be no limit on the number of permits that may be issued to the same service provider.

A temporary wireless transmission facility authorized under this subsection shall be removed no later than 24 hours after the expiration of the permit. Failure to remove the facility in timely fashion shall be grounds for the refusal of an application for a subsequent permit.

3. Temporary wireless transmission facilities shall be subject to the provisions of Section 3C6 of this ordinance.

### 3. Tower Placement

Free-standing or guyed towers may be placed within the city subject to the following limitations:

#### a. Height Limitations

##### 1. Maximum Tower Height

- a. The maximum height of a tower shall be 250 feet.

The policy of the City is to minimize the number of wireless transmission facilities while accommodating the need for telecommunication facilities. All towers must be designed to accommodate the maximum number of providers. The City shall require the applicant to submit engineering evidence demonstrating the capacity and capability of the proposed tower to accommodate multiple service providers.

##### 2. Permitted Height Above Structures

- a. Towers, antennas and all related facilities mounted on buildings, water tanks or other structures (other than free-standing or guyed towers) must not extend more than 30 feet above the highest part of the structure.

#### b. Limitation of Towers by District

1. Wireless transmission facilities are permitted if approved by the Board of Zoning Appeals as a "special exception" within the R-M, R-1A, R-1B, R-2, R-3, R-4 and R-5 districts and are subject to site plan approval by the Planning Commission.
2. Wireless transmission facilities are permitted uses, subject to site plan approval by the Planning Commission, within the B-1A, B-1B, B-3, PBD, M-1, M-2 and M-3 districts.
3. The co-location of wireless transmission facilities is permitted in all districts subject to the provisions of Section 2C.

#### c. Tower Location Requirements

1. Wireless transmission facilities shall not be located closer than 2500 feet to an existing wireless transmission facility or a cluster site, except as provided in Section 4G. Cluster locations shall not be located closer than 2500 feet to an existing cluster site or an existing wireless transmission facility, except as provided in Section 4G.
2. No tower or tower related structure shall be erected on a lot which does not abut at least one street for a distance of at least fifty (50) feet, unless an easement for right of access at least twenty (20) feet in width is provided to an approved street.
3. A tower located in any residential district, or on any parcel that adjoins a residential district, shall have a minimum distance from the base of the tower to the nearest line of any adjacent property or street right-of-way equivalent to or greater than the height of the tower plus 25 feet. Except for wireless transmission facilities necessary for the

proposed tower, no building or other structure which is designed or intended to be occupied by humans shall be located within this required "clear fall zone." The tower must comply with all other applicable provisions of the Zoning Ordinance.

4. Towers located in any B-1A, B-1B, B-3, PBD, M-1, M-2 or M-3 district that shall be located on a lot which adjoins a residential district shall be located from the nearest point of such residential district a distance equivalent to or greater than the height of the tower plus 25 feet.
5. Towers located in any B-1A, B-1B, B-3, PBD, M-1, M-2 or M-3 district which shall be located on a lot which does not adjoin a residential district shall have a minimum distance from the base of the tower to the nearest line of any adjacent property or street right-of-way equivalent to or greater than the height of the tower plus 25 feet unless a licensed structural engineer registered in the State of Tennessee certifies in writing that the proposed tower is designed to collapse inward into itself in the event of structural failure or other collapse. The designed fall-zone shall be indicated on the site plan.

In such an instance, and unless otherwise required, the setbacks from property lines will become the outer boundary of the identified clear fall-zone. In all situations, the standard setbacks established for each zone in the Zoning Ordinance must be met.

Under no circumstances may the base of a tower be located less than the height of the tower plus 25 feet from the nearest property line of any parcel located in a residential district.

6. No tower shall be placed at such a location, or be constructed or utilized in such a manner, as will:
  - (a) have an adverse impact upon districts, sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places, or
  - (b) be substantially incompatible with the general character of the surrounding neighborhood, or
  - (c) constitute a detriment or potential danger to the health, safety or welfare of the public or public utility facilities, or to the provision public utilities or governmental services.

#### D. General Conditions.

The applicant seeking authorization for a wireless transmission facility shall provide written documentation demonstrating that all of the foregoing and the following requirements have been satisfied:

1. **Safety Codes:** The proposed facility must comply with all applicable local, state and federal safety, health, nuisance and fire codes.
2. **Paint and Illumination:** A tower must be finished in a standard galvanized metal finish or painted in a color so as to minimize visual obtrusiveness and must not be illuminated unless lighting is required by federal, state or local laws or regulations.
3. **Other Zoning Regulations:** The proposed facility must comply with all applicable provisions of the Zoning Ordinance, except that a wireless transmission facility shall be exempt from the general landscape and buffer requirements of the Zoning Ordinance upon compliance with the landscape and buffer requirements provided in this ordinance.
4. **Landscaping:**
  - a. A minimum 25 foot buffer strip shall be required on the outer perimeter of the property if the property is zoned residential or abuts property that is zoned residential. The 25-foot buffer strip shall consist of plantings and physical features

as listed in the definition of Landscape Area of Section 1102 of the Zoning Ordinance.

- b. Towers located in business and manufacturing zones are subject to the landscape and buffer provisions for the zone in which the tower is to be located as listed in Sections 1109 and 1110 of the Zoning Ordinance.
  - c. Other than for ingress or egress, no internal roads or driveways, parking areas, structures or storage of material shall be allowed within the buffer strip. This standard shall not supersede any existing agreements or regulations which may require a larger buffer strip.
  - d. The buffer strip shall consist of an opaque coniferous screen or fence located at the site perimeter. The buffer shall be initially installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property from street level and adjoining residences. Substance, design, width, height, opacity, growing period to maturity, time schedule for installation and responsibility for perpetual maintenance of the buffer strip shall be subject to approval by the Planning Commission. The minimum height of the coniferous screen shall be ten feet, and the minimum height of fence materials shall be eight feet.
  - e. The landscaping provisions of this ordinance may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the Planning Commission, meet the intent and purpose of this ordinance. In instances where significant physical features exist (i.e., railroads, hillsides, preserved wooded areas, utility easements, etc.) which in the opinion of the Planning Commission provide adequate buffering between land uses, the Planning Commission may allow such existing buffers to be utilized.
5. Security Fencing:
- a. Security fencing is required for all wireless transmission facilities unless specifically waived for a co-location. When any wireless transmission facility is proposed within a residential district or within 500 feet of a residential district, the Planning Commission may require fencing constructed of wood or masonry in addition to a security fence.
  - b. When considering a "special exception" for a wireless transmission facility, the Board of Zoning Appeals may recommend to the Planning Commission the need for additional buffering and screening or other requirements.
6. Off Street Parking: A minimum of one off-street parking space shall be provided for each wireless transmission facility and shall be shown on the site plan. Staffed facilities shall comply with all parking requirement of the Zoning Ordinance.
7. Lighting: Outside lighting, if proposed or required for safety or security purposes, shall be arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Planning Commission may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting does not exceed 0.4 foot candles measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the FAA or other governmental authority. The Board of Zoning Appeals may require the submission of a lighting plan in connection with its consideration of a request for a "special exception."
8. Signs: An on-site sign identifying the wireless transmission facility may be allowed provided the sign:
- a. does not exceed 10 square feet in size
  - b. is not illuminated
  - c. includes only the name of the owner or other responsible person or entity, contact information and appropriate warnings, to be located on the gate or security fence surrounding the tower base

- d. complies with all other signage requirements of the Zoning Ordinance Advertising on a tower is prohibited.
  - 9. Vehicle Access Control: The location and design of driveways or accesses to reach the facility from a public street shall be approved by the Planning Commission. "Special exceptions" shall be reviewed and approved by the Board of Zoning Appeals.
  - 10. Noise: The intensity level of sound from a wireless transmission facility, including temporary generators used during power outages, shall not at any time exceed 70 decibels, as measured at the nearest property line of an abutting parcel zoned for residential use.
  - E. Emissions Standards: The applicant shall provide certification from an engineer registered in the State of Tennessee, and having at least five (5) years' experience in radio frequency analysis, that the proposed wireless transmission facility meets or exceeds the applicable standards of the American National Standards Institute (ANSI), the Institute of Electrical and Electronics Engineers (IEEE) and the FCC for professionally acceptable radio frequency emissions standards.
  - F. Governmental Facilities: The provisions of this ordinance may be waived for wireless transmission facilities used exclusively by the city, Sullivan County, the State of Tennessee or the United States of America, or their respective agencies, for governmental purposes.
4. Application Requirements
- A. An application for a permit for the placement or construction of a tower, or for the placement of an antenna on an existing structure, shall be filed with the Community Development.
    - 1. The application shall be accompanied by the following documents, as applicable:
      - a. Specifications: One copy of typical specifications for the proposed structures and antenna, including descriptions of the design characteristics and materials.
      - b. Site Plan: The owner or authorized agent of any property proposed for the location of a wireless transmission facility shall prepare and submit a site plan meeting the requirements of Sections 1013-1015 (site plan) and Chapter 11 (landscape and buffering) of the Zoning Ordinance. The site plan shall be drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing uses on adjacent properties. A site plan is not required if the antenna is to be mounted on an approved existing structure.
      - c. The required application fee as specified by the city council from time to time.
  - B. The owner or authorized agent shall also submit information showing the relationship of the proposed development to:
    - 1. The existing street system.
    - 2. Existing zoning districts within a 500-foot radius of the center of the base of the wireless transmission facility.
    - 3. The names and addresses of all property owners within a 500-foot radius of the center of the base of the wireless transmission facility.
    - 4. The distance to and the location of the nearest adjacent wireless transmission facility.
  - C. Tower Location Map: The applicant shall provide a current map, or update of an existing map on file, showing the locations of the applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the city.



The location map shall indicate the proposed facility and all surrounding wireless transmission facilities within a radial distance of 2,500 feet.

- D. Structural Information: The applicant shall provide structural information for the proposed wireless transmission facility, as defined in the latest EIA/TIA 222 STANDARD entitled, *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, including the following:
1. Antenna Capacity/Wind Load. A report from a structural engineer registered in the State of Tennessee showing the tower antenna capacity by type and number.
  2. A sealed certification from a structural engineer registered in the State of Tennessee that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards for Sullivan County, Tennessee. The sealed certification shall also include assurances that additional loading has been provided to allow the placement of temporary public safety transmission equipment in the event of an emergency or natural disaster.
  3. For towers or antennas to be placed on buildings, a sealed certification from a structural engineer registered in the State of Tennessee that the building proposed to house a tower or antenna is structurally capable of supporting the same and all related equipment. The tower or antenna must not affect the structural integrity of the building.
  4. Documentation that the proposed wireless transmission facility has been designed in accordance with accepted standards for Seismic Zone 2.
- E. Listing of Antenna Owners: The site plan and application shall provide identification of the owners of all antennas and equipment to be located at the site as of the date of application. The documentation will include the following:
1. Owner Authorization: Copy of a written lease, deed, agreement or other authorization from the owner of the property on which the wireless transmission facility is to be constructed, showing that the applicant has a lawful right to construct the facility on the premises.
  2. FCC License: A copy of a valid FCC license authorizing the operation of the proposed wireless transmission facility, or proof that the final issuance of the license is pending. For unlicensed wireless services, the applicant shall include verification that such a license is not required.
- F. Analysis:
1. Location Analysis. Before a permit may be issued for a new wireless transmission facility a shared use analysis must be performed. The analysis will include the following:
    - a. The applicant's proposal for a new wireless transmission facility shall not be approved unless it can be documented by the applicant that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower due to one or more of the following reasons:
      1. The planned equipment would exceed the structural capacity of existing and approved towers, considering the existing and planned use of those towers, and the tower cannot be reinforced to accommodate such planned or equivalent equipment at a reasonable cost.
      2. An intermodulation study demonstrates that the planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.
      3. Existing tower(s) do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved.

4. Reasonable radio frequency coverage objectives cannot be met.
  - b. Documentation showing that the proposed tower is not located within 2500 feet of an existing tower.
  - c. The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. The applicant shall provide a letter of intent committing the tower owner and the owner's successors to allow shared use of the tower if an applicant agrees in writing to pay a reasonable fee therefore. The letter of intent shall be filed with Community Development prior to the issuance of a building permit, and shall also include provisions for the shared use by public safety communications systems wishing to co-locate.
  - d. The applicant's plans must demonstrate how shared facilities would potentially be situated on proposed sites. New towers and structures shall be designed for use by multiple telecommunications providers.
  - e. The applicant shall provide a certification from an engineer registered in the State of Tennessee, and having at least five (5) years' experience in radio frequency analysis, that the proposed antenna and related equipment could not be placed on a pre-existing facility and function under applicable regulatory and design requirements and meet reasonable coverage objectives without unreasonable modification.
  - f. The applicant shall demonstrate that a new tower is designed to accommodate the applicant's potential future needs, to the extent those future needs may be determined at the time of application.
2. Radio Frequency Coverage Analysis. The applicant shall submit a radio frequency coverage analysis which will include a computer generated coverage analysis accompanied by an actual drive test measurement.
  3. Visual Impact Analysis. The applicant shall submit a visual impact analysis which will include the following:
    - a. Computer generated digital photographs representing "Before and After" construction.
    - b. Reduction of Visual Impact Statement:
      1. A statement certified by the applicant that every reasonable measure has been taken to assure that the proposed tower, antenna and accessory structure will be placed in a reasonably available location which will minimize the visual impact of the surrounding area in accordance with minimum standards of applicable regulations.
      2. Wireless transmission facilities mounted on a building or structure in a commercial or industrial district shall be screened or designed to blend visually with the roof, structure and surroundings where mounted. Such methods and materials shall require approval by the Planning Commission.
      3. Prior to the issuance of a building permit, surety acceptable to the city shall be required to ensure completion of all landscaping and screening provisions as outlined in the plan approved by the Planning Commission. The surety shall be posted in an amount equal to 110% of the estimated total cost of the materials and installation. Upon the issuance of a certificate of occupancy for the building, or upon the completion of construction of the wireless transmission facility if no certificate of occupancy is required, a maintenance bond, letter of credit or similar surety acceptable to the city shall be required for a period of one year to ensure that the vegetation remains as a living and viable screen.

#### G. Alternate Location Procedure

Should a proposed wireless transmission facility not comply with Section 3A1 (Maximum Tower Height), or 3C (Tower Location Requirements), and the user shall have demonstrated to the approving body under Section 4F (Analysis) or otherwise that this ordinance unreasonably discriminates among providers of functionally equivalent personal

wireless services, or that the ordinance prohibits or has the effect of prohibiting the provision of personal wireless services, the approving body may consider alternative sites provided that:

- a. with the exception of Section 4F1b, all provisions of Section 4 have been met;
- b. the applicant provides adequate proof in accordance with Section 4F2 that the alternative site is the minimum distance and/or height deviation from the requirements of 3A1 and/or 3C1 that is needed to provide the "coverage objectives;"
- c. the approving body shall have the authority to require the consideration of alternative sites with all applicable "analysis" as provided by Section 4F in order to ensure the deviation proposed is the minimum deviation required.

## 5. Review Procedures

A. Applications must meet all applicable requirements of the Zoning Ordinance and conform to the requirements of Section 4.

1. Applications and all related materials shall be submitted to the appropriate review body.
  - a. Wireless transmission facilities are permitted if approved by the Board of Zoning Appeals as a "special exception" within the R-M, R-1A, R-1B, R-2, R-3, R-4, and O-S zoning districts upon approval by the Board of Zoning Appeals as a "special exception."
  - b. Wireless transmission facilities are permitted uses, subject to site plan approval by the Planning Commission, within the B-1A, B-1B, B-3, PBD, M-1, M-2 and M-3 districts. Co-location of wireless transmission facilities is permitted in all districts subject to Section 2C.
  - c. The co-location of wireless transmission facilities on existing structures is permitted in all districts and may be approved by Community Development staff upon a satisfactory showing of compliance with all the requirements of this ordinance except those set forth in Sections 4B, 4C, 4E, 4F and 4G, for which co-locations shall be exempt.
2. The Planning Commission and Board of Zoning Appeals, respectively, shall have the authority to require greater setbacks and buffers, and may require alteration of the configuration of multiple towers to reduce visual impact.
3. The Planning Commission shall have the authority to require additional landscaping, buffering, screening, parking or other physical features when it is determined as necessary to ensure the compatibility of the proposed use with existing and future surrounding land uses, or in order to protect the health, safety and welfare of the public.
4. When considering a "special exception" for a wireless transmission facility, the Board of Zoning Appeals may recommend to the Planning Commission the need for additional buffering and screening or other requirements.
5. The site plan approved by the Planning Commission shall be valid for a period not to exceed one year as provided in Section 1016. If construction of the wireless transmission facility is not 80% completed within one year, and completed within 18 months of city approval, the applicant shall be required to resubmit plans for appropriate review under the technical standards and review procedures applicable at the time of resubmission.
6. No application may be approved without the submission and approval of a surety bond as required in Section 6C.
7. Removal Agreement, Discontinuance of Use, Annual Certification and Demolition Bond

- a. **Removal Agreement:** A written agreement, in a form approved by the city, must be submitted by the applicant prior to the issuance of a building permit for an approved wireless transmission facility. The applicant shall agree to remove the tower and antenna within 365 days of the cessation of use, or to obtain an agreement from the remaining users requiring them to do so. Any approved wireless transmission facility which is not used actively for wireless transmission purposes for a continuous period of twelve months shall be demolished and removed upon order of the city, unless otherwise authorized by the Planning Commission. Prior to the approval of a wireless transmission facility, the applicant shall prepare a contract, in a form satisfactory to the city attorney, to ensure the eventual demolition and removal of the wireless transmission facility. Upon approval of the site plan, but prior to the issuance of a building permit, the applicant shall execute such contract.
- b. **Discontinuance of Use:** The use of property for a wireless transmission facility shall be discontinued if the facility is not used by at least one wireless telecommunications provider for a continuous period of one hundred twenty (120) days. It shall be the responsibility of the users of the facility and the owner of the property on which the facility is located to maintain the site in accordance with the approvals granted by the city and the provisions of this ordinance. Each user which vacates the facility shall be responsible for the removal of that user's respective equipment, buildings, cabinets, structures, facilities and appurtenances.
- c. **Annual Affidavit:** The owner of a wireless transmission facility, or the agent of such owner, shall submit annually to the city an affidavit certifying that the facility is in active use within the meaning of this ordinance. A wireless transmission facility shall not be considered active unless the transmission or reception of radio frequency signals used for public or private voice or information transmission is by contract with the operating company. Simple beacons shall not be considered an acceptable active transmission.  
The annual affidavit shall be submitted on or prior to July 1 of each year following the initial issuance of the building permit. The affidavit shall not be required for the first year if the permit was issued less than ninety (90) days prior to July 1.
- d. **Demolition Bond:** After approval of a permit for a wireless transmission facility and prior to the issuance of a building permit, the applicant shall post with the city a surety bond to ensure the eventual demolition and removal of the wireless transmission facility. The amount of the bond, along with its form and the surety thereon, shall be subject to approval by the approving body. The amount of the surety bond will be reviewed every three (3) years in connection with the submission of the annual documentation required by this ordinance. The amount of the surety bond will be adjusted in accordance with the Engineering News Record Construction Cost Index.

## 6. Variances and Special Exceptions

- A. Requests to the Board of Zoning Appeals for variances will be subject to the provisions of Chapter 9 of the Zoning Ordinance. Greater setback requirements and such additional conditions may be established by the Board of Zoning Appeals as it deems necessary to avoid danger to public health and safety, and to protect adjacent properties.
- B. **Special Exceptions:**
  - 1. A "special exception" for a wireless transmission facility may be allowed by the Board of Zoning Appeals upon a determination that the following criteria have been met.
    - a. All provisions of Section 4 of this ordinance have been met based on submitted materials and upon recommendations of the city staff.
    - b. The Board of Zoning Appeals may require additional information or greater setbacks or buffering as a condition for approval.

- c. A building permit for a wireless transmission facility approved as a "special exception" shall not issue until the site plan has been approved by the Planning Commission.

7. Completion of Facility and Inspections

- A. Within 30 days after the completion of a wireless transmission facility, the owner or owner's agent shall submit to the city a letter from the design engineers of the facility (electrical, structural and civil) certifying that the facility was constructed according to the plans approved by the city. A certificate of occupancy will not issue until such certifications have been received.
- B. The owner of a wireless transmission facility, or the agent of such owner, shall submit to the city a copy of the report of the Sullivan County Electrical Inspector showing the facility was constructed in accordance with all applicable electric codes.
- C. The owner of a wireless transmission facility, or the agent of such owner, shall submit to the city annually a certified copy of an annual inspection report by an engineer registered in the State of Tennessee, which report shall include, but is not limited to, the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts and a plan to correct any deficiencies.
- D. The failure to submit the engineer's annual inspection report and the annual affidavit certifying that the facility is still active may result in the termination of the approval of the wireless transmission facility. The city's Codes Enforcement Department will notify the facility owner or agent, the Planning Commission and, if applicable, the Board of Zoning Appeals of the failure to submit such documentation. Review of any such deficiency shall be by the body which approved the permit. The approving body, upon a determination that such certification, reports or affidavit have not been timely submitted, may rescind its approval of the permit.

8. Exiting Wireless Transmission Facilities

Wireless transmission facilities which were lawfully in use at the time of the adoption of this ordinance, or were lawfully in use at the time such facilities came within the corporate limits of the City of Bristol Tennessee, shall be subject to the provisions of Sections 5A7b (Discontinuance of Use), 5A7c (Annual Affidavit) and 7C (Annual Inspection Report) of this ordinance.

9. Interpretation and Application

Nothing in this ordinance shall be construed or applied in such a manner as to unreasonably discriminate among providers of functionally equivalent personal wireless services, or to prohibit or have the effect of prohibiting the provision of personal wireless services.

10. Compliance Required

It shall be unlawful for any person to locate, place, construct or own any wireless transmission facility in the city except in accordance with the provisions of this ordinance. It shall be unlawful for any person to commence the construction or placement of any tower, wireless transmission facility or temporary wireless transmission facility in the city until such time as a permit therefore has been issued by the Codes Department.

Ord. 10-15 Updated 1/11  
Ord. 11-16 Updated 9/11  
Ord. 14-17 Updated 10/14  
Ord. 17-7 – Updated 1/18

## 222 – HOME OCCUPATION

1. A home occupation permit is required prior to the usage of any residential structure as a Home Occupation in accordance with the provisions herein.
2. An applicant for a home occupation permit shall submit an application in a form as required by the city manager along with the required fee as established by the City Council.
3. A home occupation permit may be granted by the city manager when the application is found to comply with the following requirements:
  - a. Not more than 25% of the gross floor area or 500 square feet, whichever amount is less, is used for the home occupation, including the storage of any related materials or products.
  - b. No person, other than a permanent resident of the dwelling unit, is employed at the site of the home occupation.
  - c. Not more than two home occupations shall be permitted per dwelling unit.
  - d. No goods or services of any kind shall be sold or transferred to a customer, consumer or client on the premises of the home occupation, excluding facsimile machine, telephone, and Internet or postal transactions. There shall be no retail transactions on the premises.
  - e. Products or materials shall not be visible from the outdoors.
  - f. No related activity shall be permitted outdoors on the property.
  - g. No signage advertising or indicating the presence of the home occupation may be displayed.
  - h. Advertisement for the home occupation that is placed in any media (newspaper, magazine, telephone directory, radio, television, online, etc.) may not contain the address or indicate the location of the home occupation.
  - i. There shall be no significant increase in the use of utilities such as water, sewer, gas, garbage, or electricity that would indicate the usage of the property other than the use for residential purposes. Increases in utility usage inconsistent with the use of the property for residential purposes may lead to a reassessment of utility fees, or could lead to a revocation of the home occupation permit.
  - j. Deliveries to the premises shall be consistent with the intent and purpose of maintaining the residential character of the neighborhood and shall not exceed two business deliveries to the residence per day.
  - k. No equipment or process used in such home occupation shall create noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses beyond the property lines of the lot, or if within a multi-family structure, beyond the confines of the individual dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, or electronic receivers off the premises, or causes fluctuations in line voltage off the premises.
  - l. Instruction of students shall be limited to not more than three persons at a time and not more than fifteen (15) students in a 24-hour period.
  - m. Parking associated with the home occupation shall occur on the premises.
  - n. One (1) commercial vehicle (one and one-half ton or less in size) owned by the residents may be used in conjunction with the home occupation. The vehicle will be deemed in use for the home occupation if it advertises the home occupation and/or contains or stores materials including stock, wares, goods, samples, or equipment. Such vehicle shall be stored in a garage or building or shall be concealed so as not to be visible from the street, sidewalk or alley when it is placed at the residence.
4. The holder of a home occupation permit is required to continuously comply with all conditions of its issuance or suffer revocation as provided below.
5. A home occupation permit shall be valid only for the person to whom it was issued and is not transferable. The permit terminates if the permit holder ceases to occupy the premises.

6. Revocation of Home Occupation Permit

- a. A home occupation permit shall be revoked when it is determined that the conditions of its issuance are not being met.
- b. The permit holder shall be notified in writing that the conditions of its issuance are not being met with the specific infractions noted.
- c. The permit holder shall be given ten (10) calendar days from the postmark of written notification of non-compliance to contact the city to resolve the issue of non-compliance. Should the non-compliance not be resolved, the city manager shall notify the permit holder that the Home Occupation Permit has been revoked and all business activities associated with the Home Occupation shall terminate immediately upon receipt of the notice.

7. Appeals

- a. An application for a home occupation permit that is denied or revoked may be appealed to the Board of Zoning Appeals in a form as required by the city manager. An appeal shall be made in writing to the Board of Zoning Appeals within seven (7) calendar days of the date of the revocation notice. A timely filed appeal shall result in the revocation action being held in abeyance pending the hearing by the Board of Zoning Appeals.
- b. A notice of application for appeal shall be posted by the city on the applicable property.
- c. A written notice shall be mailed or hand-delivered to all property owners and occupants within 100 feet of the applicant site.

8. Hearing by the Board of Zoning Appeals

- a. An appeal hearing before the Board of Zoning Appeals shall be limited to the issue of whether the applicant complies with the criteria to be issued a home occupation permit or whether a permit holder continuously meets the criteria required for the issuance of a home occupation permit.
- b. The Board of Zoning Appeals shall not grant a variance from the established criteria for the issuance of a home occupation permit.
- c. The Board of Zoning Appeals shall not hear an appeal that is not timely filed as provided in Section 7a above.

Ord. 09-20 Updated 08/09

**223 - RECREATIONAL VEHICLE DEVELOPMENTS**

A. Purpose and Application:

The purpose of this section is to provide minimum standards for developments that consist of individual lots or are developed under a horizontal-property regime for occupancy by independent recreational vehicles on a non-permanent basis. Recreational Vehicle Developments (RVD or RVDs) consisting of two (2) or more acres in size may be allowed as a special use in the B-3 (General Business) and PBD (Planned Business District) zoning districts with Planning Commission approval as provided below. Recreational Vehicle Developments will have a unified site development plan, including provision of open space for recreation, and other common uses.

B. Procedure for Application:

1. Initial Meeting

Prior to the submission of a RVD Special Use application and before any site improvements are made, the applicant is recommended to meet to review conceptual site plans, sketch proposals and other information relating to the proposed application.

## 2. Formal Application

Following the completion of the initial meeting, a formal RVD Special Use application shall be filed satisfying the requirements of Section 217 and shall include the following:

- a. *Special Use Site Plan*: A special use site plan drawn on a scale not less than one inch equals fifty (50) feet with the following information:
  1. Project location, present zoning, adjacent zoning, adjacent land use, and acreage and general topographic contours.
  2. Proposed private street layout and dimensions, including a cross section of the proposed street.
  3. Location of recreational vehicle parking pads, associated motor vehicle parking spaces, and common recreational space arrangements, and if applicable, proposed lot layout.
  4. Utility plans, including existing and proposed utility layout. Plans for water, sewer and storm water drainage system shall be included and shall indicate line size and appurtenances such as hydrant locations, manholes, and storm drainage structures.
  5. Landscaping and buffering plan for the development.
  6. Flood plain information, including identified floodway and flood elevation data.
  7. Existing easements, covenants, right-of-ways, or other restrictions located on the property.
  8. Draft documents relating to the Home Owners Association.
  9. Other information as may be required by the city manager or the Planning Commission.

## 3. Planning Commission Authority

The Planning Commission shall have the authority to require greater setbacks, buffer areas, landscaping, the redesign of travel ways, pedestrian ways and other design features in order to meet the intent of this Section 223.

## 4. Final Site Plan and Final Construction Drawings

Following approval of the application for Special Use by the Planning Commission, the applicant shall prepare a final site plan and construction drawings consistent with the provisions of Chapter 10 for approval.

## 5. Home Owners Association

A Home Owners Association is required for the approval of the Recreational Vehicle Development. The governing documents for the Association, along with a copy of deed covenants, the charter and by-laws and special information which the Planning Commission may require to protect the rights of future owners of the condominium and the public in general shall be part of the submission of final site plan or final subdivision plat. The document shall include a mechanism for the maintenance of common elements facilities or property of the development, including infrastructure, streets, and required landscaping and buffering.

## 6. Phased Development

- a. In the case of a phased development, final approval may be granted for phases, approved as part of the entire development. All improvements shall be completed prior to the issuance of a letter of completion, and no lots or recreational vehicle sites shall be occupied in the applicable phase until a certificate of occupancy or letter of completion has been issued.



- b. Improvements may be required by the Planning Commission within the development but outside the proposed phase, when it is determined to be necessary for the health or safety of the residents or the community.

7. Expiration of Approval

The approval of a final site plan or a preliminary subdivision plat shall terminate 12 months following approval. Final site plans consistent with the Special Use approval may be resubmitted for approval. Preliminary subdivision plats that have expired may be resubmitted to the Planning Commission for reconsideration. Any substantial design changes in the final site plan from the Special Use Site Plan as presented to the Planning Commission shall require approval of the Planning Commission through the Special Use process, provided in Section 217.

C. Development Standards:

1. Compliance with regulations

A Recreational Vehicle Development must comply with all applicable ordinances, codes, and standards in effect at the time of development.

2. Permitted Recreational Vehicle Use

Recreational Vehicle Developments are limited in use to; (i) independent recreational vehicles, (ii) and accessory uses (see accessory uses – recreational vehicles) to the independent recreational vehicles, and (iii) the Recreational Vehicle Development as a whole.

3. Density

The overall density and lot arrangement of the development shall not exceed thirteen (13) recreational vehicles per acre.

4. Camping Use and Occupancy within a Recreational Vehicle Development.

The occupancy of any site or lot in a Recreational Vehicle Development must be temporary, which means each individual recreational vehicle site or lot must be vacated by the recreational vehicle for a period of no less than ninety (90) consecutive days in a calendar year.

5. Infrastructure Requirements

All utility construction shall be in accordance with the *Construction Specifications* of the City and additionally as follows:

a. Public Water

- 1. The Recreational Vehicle Development must have a public water service supplied by a minimum six (6) inch water line with adequate fire flow.
- 2. Each recreational vehicle site, or lot, must have an approved individual connection to the public water system.
- 3. Fire hydrants shall be located at each entrance of the RVD and, internal to the development, not more than 500 feet apart as measured along the servicing street and shall be not more than 250 from any recreational vehicle site or lot.

b. Sanitary Sewer Service

- 1. Each recreational vehicle site or lot must have an approved individual sanitary sewer service connection to a public sanitary sewer.

c. Electricity

- 1. Each recreational vehicle site or lot must have an approved electrical service.

- d. Waste Management
  - 1. The RVD shall provide for central garbage disposal utilizing a dumpster system.

6. Street Construction and Traffic Circulation Standards

Recreational Vehicle Developments shall meet the following street construction standards and frontage requirements:

- a. The Recreational Vehicle Development, as a whole, must have a minimum of 50 feet of street frontage on an approved public street or a private street approved by the Planning Commission. Additionally, the street affording access to the Recreational Vehicle Development must directly access an arterial or collector street designated on the official Major Road Plan of the City.
- b. The Recreational Vehicle Development shall be designed so that each lot or site shall have direct access only to a street internal to the Recreational Vehicle Development. Likewise, all streets internal to the Recreational Vehicle Development shall be private, and shall, at a minimum, be constructed to the standards contained in this section. Access shall be constructed to ensure recreational vehicles utilize transportation circulation within the development and are only permitted ingress and egress from the development from approved, limited access driveway entrances, as shown on the approved site plan.
- c. Private streets shall be indicated on the approved site plan or subdivision plat. All private streets shall:
  - 1. Be a minimum twenty-two (22) feet in width if two-way streets are utilized or a minimum twelve (12) feet in width if one-way streets are utilized, with a minimum 25 foot turning radius at all intersections.
  - 2. Be constructed in accordance with the construction standards for private streets established by the City Manager.
  - 3. Unless otherwise approved, all dead end streets/drives shall be designed with a cul-de-sac having a minimum pavement radius of 45 feet.

7. Recreational Vehicle and Motor Vehicle Parking

- a. Each Recreational Vehicle Development shall provide a recreational vehicle parking pad and a minimum of one associated motor vehicle parking space for each recreational vehicle site or lot, as provided below:
- b. Each recreational vehicle parking pads and associated motor vehicle parking spaces shall be paved with asphalt, concrete, impermeable or permeable pavers, or other similar type material approved by the City and be dimensioned, at a minimum, as follows:
  - 1. Each recreational vehicle parking pad shall be a minimum of 12 feet in width by 40 feet in length.
  - 2. The motor vehicle parking space shall be a minimum of 9 feet wide by 18 feet in length.

8. Landscaping and Buffering

The landscaping and buffering standards in Chapter 11 shall apply. Additionally, a minimum of twenty-five (25) percent of the overall Recreational Vehicle Development must be green space including the required landscaping and buffering areas. The additional green space should be dispersed to provide a break in the impervious surfacing of the development and be landscaped to improve the esthetic quality of the development.

- a. Peripheral boundary:

1. A peripheral boundary shall be provided. The area within the peripheral boundary shall remain as open space without any type of development, except for the direct ingress and egress to and from the property.
2. The peripheral boundary setback shall be along the full length of all property line boundaries of the proposed development site. Its width shall be a minimum of twenty-five (25) feet along the length of property lines that abut residentially used or zoned property and shall be a minimum width of ten (10) feet along the length of property lines which abut non-residentially used or zoned property.
3. Buffering shall be placed within the peripheral boundary in accordance with Chapter 11.

9. Signage

See Section 216.

10. Subdivisions

When individual lots are proposed, the Planning Commission may approve an exception to the Subdivision Regulations Section 502.2 Lot Dimensions, numbers (3) and (4) in accordance with this part. Each individual lot may be approved with a minimum frontage of thirty (30) feet on a private street meeting the minimum standards contained within this Section.

- a. When individual lots are proposed, the required setbacks shall be shown on the lot layout. Each recreational vehicle parking pad and associated motor vehicle parking space shall be located within the required setback area, measured from the respective property line of the lot.
- b. Individual residential lots within Recreational Vehicle Developments shall be a minimum of 3,350 square feet. The Planning Commission may approve lots of smaller dimensions provided that the development maintains a maximum density of thirteen (13) recreational vehicles per acre and lots with such lesser dimensions shall be accompanied by additional open space or common recreational area that meets the density standard. Minimum setbacks for each lot shall be as follows:

Front Yard	5 feet
Side Yard	5 feet
Rear Yard	10 feet

11. Horizontal Property Regime Developments

When, the Recreational Vehicle Development is developed under a horizontal-property regime:

- a. Each recreational vehicle pad shall be located a minimum of ten (10) feet from any other recreational parking pad and shall include provisions for vehicle extensions.
- b. Each recreational vehicle pad shall have one (1) associated motor vehicle parking space. Each motor vehicle parking space shall be a minimum of ten (10) feet from any neighboring recreational vehicle pad.
- c. Each recreational vehicle parking pad and associated Motor Vehicle parking pad shall be located a minimum of five (5) feet from all streets, measured from the edge of the pavement or curbing.

## **224. PORTABLE STORAGE UNITS**

1. As used in this section *portable storage unit* means any container designed for the storage of personal property which is located outside an enclosed building and is typically rented to owners or occupants of property for their temporary use and delivered and removed by a vehicle.
2. It shall be unlawful for any person to place, to allow the placement of, or to keep or maintain a portable storage on property in a residential zoning district except in accordance with the following:
  - a. No more than two (2) portable storage units shall be allowed on a lot.
  - b. The portable storage unit shall not be kept on the property for more than 180 days during any one year period.
  - c. The portable storage unit shall be set back at least ten (10) feet from the property line.
  - d. The lessor or owner of the portable storage unit shall keep the unit in good condition, free from evidence of deterioration, weathering or discoloration.
3. Containers typically used for nonresidential purposes, such as those intended for multi-modal transportation of goods, are not permitted in residential zoning districts.
4. It shall be unlawful for any person to place, to allow the placement of, or to keep or maintain a portable storage unit on property in a non-residential zoning district unless such unit conforms to the setbacks of the zoning district in which the unit is located.
5. Upon a showing of unusual circumstances and need, the city manager may in writing allow the placement of a portable storage unit which does not meet the requirements of this section.

Ord. 08-19 Updated 9/08  
Ord. 10-14 Updated 11/10  
Ord. 11-4 Updated 2/11  
Ord. 11-6 Updated 3/11

## **225. ACCESS CONTROL**

1. The purpose of this Section is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access.
2. Access Management Classification System  
Roadways within the City of Bristol, Tennessee are classified by functional categories (arterial, collector and local streets) as defined from the current edition of the City of Bristol's Major Road Plan Map.
3. This Section shall apply to all public streets within the City.
4. Standards and Criteria for Site Access and Curb Cuts
  - a. Access Way Design

Any apron for an access way to public street shall be designed in accordance with the City of Bristol, Tennessee Design Standards as well as the standards and criteria in this Section.

b. Number of Access Way Points

One access way per property will be permitted, unless a traffic engineering analysis demonstrates that additional access points or curb cuts will not impair public use of a public right-of-way or create safety or operational difficulties, or be detrimental to traffic flow on adjacent streets.

c. Service Roads

Where multiple parcels of vacant property along an arterial or collector street are proposed for development, a service road may be required if a traffic engineering analysis determines that multiple access ways would create a safety/operational problem to traffic flow on adjacent streets.

d. Improvements to the Public Streets

Improvements to the public streets, such as, but not limited to, acceleration or deceleration lanes, traffic islands, curbing of unlimited access, streets medians, traffic control devices, and angled access connections, may be required of a development if the City, based upon a traffic study, determines that such improvements are necessary to preserve the safety or the traffic-carrying capacity of the existing public way.

e. Spacing Requirements from Property Lines

Except as otherwise provided herein, the distance between any side property line which intersects the subject property and the nearest edge of an access shall be no less than 5 feet for residential purposes and 10 feet for non-residential and multi-family properties. The City may determine the location of a proposed access way when it impairs any public use of any public right-of-way or creates safety or operational difficulties that are detrimental to traffic flow on an adjacent public street. Shared access between adjacent residential parcels is permitted, and encouraged, with a separation of zero feet from the side property line.

f. Minimum Access Distances

The minimum distance from a proposed access way to an adjacent street right-of-way is as follows:

i. Access ways connection to state highways are subject to the most current control standards of the Tennessee Department of Transportation.

ii. Non-residential access ways (on public ways not subject to the standards of the Tennessee Department of Transportation) shall be no closer than 50 feet to the closest right-of-way of another public way intersecting that street or nose of a median opening. Residential access ways, when the parcel is narrower than 50 feet, shall be located closest to the property line farthest from the intersection.

iii. Access ways connecting to multi-lane divided highways shall be aligned with existing or proposed median openings where available. For access ways not aligned with existing or proposed median openings, the nearest edge of the access way shall be a minimum of 100-feet from the nose of the median opening.

iv. If the physical size of configuration of a lot does not permit the location of an access to meet these standards (terrain notwithstanding), then the distance between the new access way and existing intersecting public ways, median openings, or adjacent non-residential access ways shall be maximized. Where no other alternative exists, the City may allow construction of an access connection along or adjacent to the property line farthest from the intersection.

v. Access ways may be required to be further from the features listed in Section 225.4.f.iv. if traffic design issues are shown by field measurement or analysis to require such action such as queuing or sight distance.

5. Maximum Access Way Width

Access way width, at the street connection, shall be as follows:

<b>Access Way Width for Non-Residential &amp; Multi-Family Property</b>		
	One Way	Two Way
Minimum	12 feet	24 feet
Maximum	15 feet*	30 feet*
*except when engineering analysis determines that turning lanes or a larger turning radii is needed		

<b>Access Way Width for Residential Property</b>	
Minimum	Maximum
9 feet	20 feet

<b>Access Way Width for Service Road</b>	
Minimum (one way)	Maximum (two way)
15 feet	24 feet*
*except when engineering analysis determines that turning lanes or a larger turning radii is needed	

6. Access way shall be designed so as to avoid vehicles backing onto a collector or arterial street.

7. Permit Requirements

a. The construction of access ways is subject to obtaining a permit from the City of Bristol Tennessee Department of Public Works.

b. The construction of access ways connecting to state highways are subject to obtaining a permit from the Tennessee Department of Transportation.

## CHAPTER 3 RESIDENTIAL DISTRICTS

### SECTION

- 301 R-M District (Mountainous Residential)
- 302 R-1A District (Low Density Single Family)
- 303 R-1B District (Medium Density Single Family)
- 304 R-2 District (Single Family and Duplex)
- 305 R-3 District (Multifamily)
- 306 R-4 District (High Density Multifamily)
- 307. R-5 District (High Density Multifamily)
- 308. PRD Planned Residential District
- 309. R-E District (Established Residential Neighborhood)
- 310. R-O District (Residential Office)
- 311. O-S District (Open Space and Reserved)
- 312. Residential Space Requirement Chart

### **301 - R-M DISTRICT - MOUNTAINOUS RESIDENTIAL**

This district will accommodate single family residential development and cluster development with ample accompanying open space in Bristol's mountainous or knob land areas where steep terrain prohibits conscientious development at higher densities. A maximum of one dwelling unit per acre is permitted in this district.

1. *Permitted Open Land Use*
  - a. Cemeteries
  - b. General farming and gardening; not to be construed to mean the keeping or raising of animals or poultry for commercial purposes
  - c. Public parks
  - d. Public or private utilities necessary to service the residents of the area
2. *Other Permitted Land Uses*
  - a. Single-family dwellings and accessory structures (see Subsection 6 below)
  - b. Municipal, County, State and Federal uses
  - c. Signs - as provided in Chapter 2, Section 216
  - d. Satellite dish antennas - as provided in Chapter 2, Section 212
  - e. Home occupations - as provided in Chapter 2, Section 218
  - f. Public libraries
  - g. The taking of boarders or tourists or the leasing of rooms by the family resident on the premises provided not more than seventy-five (75) percent of the total floor area is used for that purpose (total floor area shall mean the area of all floors, including furnished attics and furnished basements). For sign regulations for such a use see Chapter 2, Section 216.B.11.
3. *Uses Permitted by Special Use Permits Only*
  - a. Buildings housing public or private utilities or equipment necessary to service the city area
  - b. Churches
  - c. Day care centers
  - d. Hospitals
  - e. Philanthropic institutions and clubs
  - f. Private golf, swimming, tennis and similar sports clubs
4. *Lot Space* (See chart at end of this Chapter).
5. *Off-Street Parking.* Off-street parking shall be provided by all uses as required in Section 213. The parking of heavy equipment or trucks in excess of one-and-a-half tons shall be prohibited. This shall not be interpreted to apply to recreational vehicles, heavy equipment temporarily on location to perform a specific task, or noncommercial passenger vehicles such as buses.

6. *Accessory Structures.* Accessory structures to main residential structures include garages, guest houses, swimming pools, tennis courts, satellite dishes, utility buildings and other stationary structures. Accessory structures are to be located in rear or side yards only, and in all cases must have minimum setback of five (5) feet from the main structure and from any property line. Accessory buildings may be used for residential purposes only by guests or immediate family members of occupants of the principal structure. Business of any type may be operated in an accessory building only as provided in Chapter 2, Section 218 (See chart at end of this Chapter for further space requirements).

Ord. 07-28 Updated 10/07  
Ord. 14-17 Updated 10/14

### **302 - R-1A District - Low Density Single Family**

This zone is primarily to accommodate single-family dwelling units at a maximum density of three (3) units per acre.

1. *Permitted Uses.* Any use permitted in R-M District.
2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District.
3. *Lot Space.* (See chart at end of this Chapter)
4. *Off-Street Parking.* Same as in R-M District
5. *Accessory Structures.* Same as in R-M District

### **303 - R-1B DISTRICT - MEDIUM DENSITY SINGLE FAMILY**

This zone is primarily to accommodate single-family dwelling units at a maximum density of six (6) units per acre.

1. *Permitted Uses.* Any use permitted in R-M District
2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District
3. *Lot Space.* (See chart at end of this Chapter)
4. *Off-Street Parking.* Same as in R-M District
5. *Accessory Structures.* Same as in R-M District

### **304 - R-2 DISTRICT - SINGLE FAMILY AND DUPLEX**

This zone is primarily to accommodate single family and duplex units at a maximum density of nine (9) units per acre.

1. *Permitted Uses.*
  - a. Any use permitted in R-M District
  - b. Two-family residential structures
2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District and Assisted Living Facilities meeting the density requirements of the district.
3. *Lot Space.* (See chart at end of this Chapter)
4. *Off-Street Parking.* Same as in R-M District
5. *Accessory Structures.* Same as in R-M District

Ord. 14-17 Updated 10/14



### **305 - R-3 DISTRICT - MULTIFAMILY**

This zone is primarily to accommodate moderate density multifamily residential development which may be interspersed with duplex and single-family development. Maximum density is thirteen (13) units per acre.

1. *Permitted Uses.*
  - a. Any use permitted in R-M District
  - b. Two-family residential structures
  - c. Multifamily residential structures
  - d. Zero lot line developments
  - e. Assisted Living Facilities meeting the density requirements of the district
2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District.
3. *Lot Space.* (See chart at end of this Chapter)
4. *Off-Street Parking.* Same as in R-M District
5. *Accessory Structures.* Same as in R-M District (Ord. No. 97-95, 1-13-98)

Ord. 14-17 Updated 10/14

### **306 - R-4 DISTRICT - HIGH DENSITY MULTIFAMILY**

This zone is specifically to accommodate high-density residential developments that are built originally as multifamily complexes in locations that can bear the demands such developments place on City infrastructure. Maximum density is twenty (20) units per acre.

1. *Permitted Uses.* Any use permitted in R-3 District
2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District.
3. *Lot Space.* (See chart at end of this Chapter)
4. *Off-Street Parking.* Same as in R-M District
5. *Accessory Structures.* Same as in R-M District (Ord. No. 97-95, 1-13-98)

Ord. 14-17 Updated 10/14  
Ord. 17-7 Updated 1/18

### **307 – R-5 DISTRICT – HIGH DENSITY MULTIFAMILY**

This zone is designated to accommodate high-density residential developments that are built originally as multifamily complexes in locations that can bear the demands such developments place on City infrastructure. Maximum density is thirty-five (35) units per acre.

1. *Permitted Uses.* Any use permitted in the R-4 District.
2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District.
3. *Lot Space.* (See chart at end of this Chapter).
4. *Off-Street Parking.* Same as in R-M District.
5. *Accessory Structures.* Same as in R-M District.

Ord. 17-7 Updated 1/18

### 308 – PRD District – Planned Residential

The planned residential development district is intended to provide a mechanism by which property may be developed with a variety of housing types and in an environmentally sensitive manner by using the following objectives:

1. Flexibility in design to take the greatest advantage of natural terrain, trees, historic and other features.
2. Accumulation of large areas of usable open space for recreation, preservation of natural amenities and provision of community facilities.
3. Creation of a variety of residential and compatible neighborhood arrangements that give the home occupant greater choice in selecting types of environment and living arrangements.
4. Allowance for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the city.
5. Efficient, creative division of land resulting in resourceful, compact developments, lowered construction and maintenance costs of street and utility systems and improved marketability of the end product.
6. Establishment of criteria for the inclusion of compatible nonresidential uses to complement the residential areas within the planned residential development.
7. Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the city of proposed land use, site construction, lot and setback consideration, public needs and requirements, and health and safety.

#### 1. Use and density regulations

##### a. Residential uses

At least 75% of the gross acreage must be used for residential purposes. The residential uses may comprise a mix of residential types (single, two-family and multi-family) and configurations (detached, semi-detached, and attached) provided that the overall density of units to gross acreage does not exceed that of the average allowed density of the adjacent properties. For purpose of this section, "average allowed density of the adjacent properties" shall be calculated as follows:

*Where* Y = the sum of the maximum residential density permitted on each adjacent parcel; and  
*Where* Z = the sum of the number of adjacent parcels actually having adjoining property boundaries, including parcels separated by public rights of way.

$$( Y / Z ) = \text{Allowed Density per Gross Acre}$$

The allowed density per gross acre shall be rounded up to the nearest whole number.

##### b. Nonresidential uses

Not more than 5% of the gross acreage may be used for non-residential uses. Any use allowed in the B-1A zoning district shall be allowed in this district. At least 20% of the residential units must be constructed or under construction prior to any permits being issues for a nonresidential structure. If the project is phased, at least 20% of the residential units in the first phase must be constructed or under construction prior to any permits being issued for a nonresidential structure.

##### c. Open Space and Community Facilities

At least 20% of the gross acreage must be designated as usable open space. Streets, parking areas and other asphaltic or paved areas, except for pedestrian and bicycle paths, swimming pools, tennis courts and other similar recreational facilities, may not be used to calculate usable open space. Single parcels designated as usable open space must contain a minimum of 5,000 square feet.

2. A planned residential development district shall contain a minimum of two acres of land.

3. Utilities and access

- a. Structures within the planned residential development shall be connected to public water and sewer lines. All utility lines shall be placed underground, except for major electrical transmission lines. Engineering plans for drainage, utilities, services and easements shall conform to the requirements of the Subdivision Regulations and in the Code of Ordinances.
  - b. A traffic and pedestrian circulation system shall be designed so as to provide for safe and convenient access to dwelling units, open space, community facilities and other nonresidential areas in the planned residential development. Principal vehicular access points shall be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle or pedestrian traffic. The internal circulation system shall be adequate for vehicular, bicycle and pedestrian movement and should discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.
4. Open space incentive  
For each five percent increment of additional usable common open space above the 20 percent per gross area minimum, the developer will be allowed a 15% increase in the allowed density computed in section 307.3.1. The calculation and designation of usable open space shall be supplied by the developer and must be acceptable to the city.
  5. Preapplication conference  
Prior to the formal submission of a proposed site plan, the developer or developer representative is encouraged to meet with the city manager or his designee, to discuss the project and review concept sketches of the proposed development.
  6. Required Submittals
    - a. A site plan, prepared in accordance with the provisions of Chapter 10 must be submitted for review. The site plan shall contain sufficient information to satisfy that conformance to the allowable land use percentages are achieved.
    - b. A plat for the division of property must be prepared in accordance with the Subdivision Regulations.
  7. Procedure for staged development of planned residential development.  
Planned residential developments may be developed in stages, sections or phases provided that the following conditions are met and further provided that any staged sectional or phased development is part of an overall approved site plan for the entire planned residential development:
    - a. Stages or phases of the development must be shown on the approved site plan.
    - b. At least 75% of the first stage or development phase must be residential or open space use.
    - c. Each stage of the development must contain 20% open space unless the open space for the entire development has been designated as permanent open space. Such designation must be demonstrated in a restrictive covenant, permanent easement, conservation easement or other similar legal mechanism.
  8. Review, approval, and amendment of planned residential development.
    - a. Site plans for planned residential developments shall be reviewed and approved by the Planning Commission.
    - b. Following approval of the planned residential development, no building or structure shall be erected or building permit issued nor any lots sold from any such plat nor any final plan recorded except in conformity with the approved plan of development.
    - c. A site plan for a planned residential development may be amended upon approval by the Planning Commission.

9. Open Space management, ownership and termination.
  - a. All common open space, properties and facilities shall be preserved for their intended purposes as expressed in the approved site plan.
  - b. The developer shall provide for the establishment of a homeowner's association or nonprofit corporation to ensure the maintenance of all common open space, properties and facilities.
  - c. All open spaces in common ownership shall continue to conform to their intended uses and remain as expressed in the site plan through the inclusion in all deeds of covenants or restrictions to ensure that the common open space is permanently preserved according to the site plan. The deed covenants or restrictions established to govern and maintain common open spaces as well as any public or private recreational facilities shall run with the land and shall be for the benefit of present as well as future property owners, and shall contain a prohibition against partition.
  - d. All common open space, properties and facilities shall be identified and completed by project phasing, if applicable. Improvements to such areas must be completed before building permits are issued for the next phase of the development.
  - e. The nonprofit corporation or homeowner's association must be established prior to a Certificate of Occupancy being issued in the development.

Ord. 11-4 Updated 2/11

### **309 – R-E District – Established Residential Neighborhood**

#### **A. Purpose and Applicability**

The purpose of the Established Residential Neighborhood District is to provide specific lot development standards based on the existing patterns and character of single family and single family-duplex neighborhoods which were developed prior to 1950. This will make existing homes compliant with the zoning ordinance, and will promote new construction and additions to existing residences in a manner consistent with the existing neighborhood.

This district shall meet each of the following conditions:

- a) At least 85% of the lots shall have been developed prior to 1950.
- b) The district shall contain at least one full block length, or ten parcels, lying within 300 feet of each other.
- c) A majority of the developed lots are less than 7,500 square feet

#### **B. Permitted Uses:**

1. dwelling, single family detached
2. dwelling, duplex

#### **C. Uses Permitted by Special Use Permits Only**

1. Buildings housing public or private utilities or equipment necessary to service the city area.
2. Churches
3. Day care centers
4. Philanthropic institutions and clubs
5. Private golf, swimming, tennis and similar sports clubs

#### **D. Residential Lot Development Standards:**

1. Number of Residential Units Permitted per Lot:
  - a) One single-family detached unit is permitted per parcel, or
  - b) One duplex structure per lot with two single family dwelling units is permitted per parcel.

## 2. Residential Lot sizes

a. Minimum and Maximum lot dimensions: Lot size requirements for parcels which are recombined or subdivided are as follows, except in the case of lots of record:

Minimum lot frontage width: 50' (the standard lot width)  
Maximum lot frontage width: 100' (two standard 50' lots)  
Minimum lot area: 7,000 square feet (ex: 50 x 140)  
Maximum lot area: 20,000 square feet (ex: 100 x 200).

b. Lot width to depth ratio: The average lot width-to-depth ratio of 1:3, or the average within the block, shall be maintained when property is recombined or subdivided. This provision shall not apply to those lots fronting on Windsor Avenue which adjoin property along the Clifton Knobs, nor to double fronting lots which face two primary streets.

## 3. Setbacks

New homes and additions will have front and side yard setbacks that will place the structures on the lot to match the neighborhood's streetscape and setback pattern, which may differ widely block by block.

a) Front yard setbacks: Front yard setbacks shall be the average front yard setback of the lots within the same block and on the same side of the street.

b.) Side yard setbacks: Side yard setbacks shall be (5) feet.

c) Rear yard setback: The rear yard setback is 30 feet.

d) Corner lot side yard setbacks: Side yard setbacks for a corner lot shall be the average side yard setback of the residential structures on the intersection's opposing corners. If there are not any other intersecting corners, the side yard shall be determined as in Subsection 3(b).

e) Uncovered porches and step setback exceptions: Uncovered porches and steps may encroach into the setback the average encroachment distance of uncovered steps or uncovered porches on lots within 300 feet in either direction from the subject lot on the same side of the street.

f) Shared accessory structures: Single story structures for the parking of motor vehicles may be placed across the interior (side) property line if all affected owners agree; otherwise all accessory structures shall meet the requirements of Section 212 Accessory Structures.

Ord. 13-6 Updated 09/13

## 4. Lot Coverage:

The maximum lot coverage for a lot shall be 30%, which includes all primary and accessory structures.

## 5. Height:

The peak of any roof shall not exceed 35 feet, and the height of the principal building, at the average grade of the front facade, may not exceed two full stories and one attic or half story within a gable or hip roof, whichever is less.

## 6. Residential Orientation Pattern

a). Structure orientation: All new structures and front yard additions shall:

- 1) face the same direction as the majority of the residential front facades on the block and on the same side street where the parcel is located;
- 2) have a main entrance door in the front façade of the structure

b). Corner lot structure orientation: The front façade shall be located facing the same street as the majority of the homes on the block, or shall reflect the orientation of the majority of the corner lots at the intersection.

## 7. Duplex Unit Development

- a). Number of structures per lot: One duplex structure, which contains two single-family dwelling units, is allowed per lot.
- b). Lot Development Standards: The structure shall utilize the same lot development standards for detached single-family residential structures, as found within Subsection C.
- c). Parking Requirements: Parking requirements are as follows:
  - (1) Parking requirements will be met as set forth in Section 213, Off Street Parking for Two Family Residences.
  - (2) Parking is to be placed in the rear of the structure and may not be placed in the front or the side of the structure.
  - (3) Driveway entries shall be at least eleven (11) feet in width.
  - (4) All parking shall be accessed from either the adjacent alley or the driveway from the street, whichever is the prevailing standard of access for the block.

Ord. 09-04 Chapter added 4/09  
Ord. 14-16 Updated 10/14

## 310 - R-O DISTRICT -- RESIDENTIAL OFFICE

### A. Purpose and Applicability

The Residential Office District is intended to foster adaptive reuse of structures within existing residential neighborhoods in a manner which clearly maintains the residential character of the neighborhood. The zoning district will allow specific uses that are similar to permitted home occupations, as well as professional offices, independent artist related uses, and limited retail, food, and personal services uses. The Residential Office District is to be utilized in areas that are undergoing land use transition and are located between non-residential uses and existing residential neighborhoods in areas that immediately abut either arterial thoroughfares or non-residential commercial or office land uses. The neighborhood's residential character and scale is to be maintained through design elements and land use requirements, such as parking in the rear yard, screening between business and residential use areas, shared parking and driveway and alley access, and the adaptive reuse and retrofit of existing residential structures.

### B. Permitted Uses:

- 1. residential, single family detached
- 2. residential, duplex
- 3. mixed use as residential (single family detached or duplex) accompanied by one or more of the following non-residential uses as defined by the 2007 North American Industrial Classification System (NAICS):

- a) 45 – Retail Trade, limited to:

- Hobby, Toy, and Game Stores (451120)
  - Sewing, Needlework, and Piece Goods Stores (451130)
  - Book Stores (451211)
  - Gift Novelty and Souvenir Stores (453220)
  - Florists (453110)
  - Art Dealers (453920)

- b) 52 – Finance and Insurance, limited to:

- 5239-Other Financial Investment Activities, limited to:

- Portfolio Management (523920)
    - Investment Advice (523930)
    - Trust Fiduciary and Custody Activities (523991)
    - Miscellaneous Financial Investment Activities (523999)

- 524 Insurance Carriers and Related Activities

525 Funds, Trusts, and Other Financial Vehicles

- c) 53 – Real Estate and Rental and Leasing, limited to:
  - 531- Real Estate, except for:
    - Lessors of Mini-warehouses and self-storage units (53113)
- d) 54 – Professional, Scientific, and Technical Services, except for:
  - 541- Other Professional, Scientific, and Technical Services;
    - Testing Laboratories (541380)
    - Research and Development in Biotechnology (541711)
    - Research and Development in Physical, Engineering, and Life Sciences (except Biotechnology) (541712)
    - Research and Development in the Social Sciences and Humanities (541720)
    - Veterinary Services (54194)
- e) 56 – Administrative Support and Waste Management and Remediation Services, limited to:
  - Office Administrative Services (561110)
  - Other Business Service Centers (including Copy Shops) (561439)
  - Executive Search Services (561312)
  - Travel Agencies (561510)
  - Court Reporting and Stenotype Services (561410)
- f) 71 -- Arts, Entertainment and Recreation, limited to:
  - Independent Artists, Writers, and Performers (71150)
  - Graphic Design Services (541430)
- g) 72 – Accommodation and Food Services, limited to:
  - 721- Accommodation, limited to:
    - Traveler Accommodation (7211), limited to:
      - Bed and Breakfast Inns (721191)
  - 722 - Food Services and Drinking Places, limited to:
    - Snack and Nonalcoholic Beverage Bars (722213)
- h) 81- Other Services (except Public Administration), limited to:
  - 812 – Personal and Laundry Services, limited to:
    - Personal Care Services (8121), limited to:
      - Hair, Nail, and Skin Care Services (81211)
      - Barber Shops (812111)
      - Beauty Salons (812112)
      - Diet and Weight Reducing Centers (812191)
    - Other Personal Care Services (812199), limited to:
      - Day Spas (812199), except for 721110 Hotels
      - Hair weaving services (812199)

**C. Use Standards**

1. Lot Space (See chart at the end of this chapter).
2. Parking Space Requirements (See Section 213).
3. Parking Location, Access, and Lot Coverage.

- a) Parking Design: Residential structures will not be razed to meet the parking requirement for another structure. Shared parking, interconnected parking areas, and off street parking alternatives shall be pursued to maintain the residential character and pattern of the neighborhood.
- b) Parking Lot Location: Parking is to be placed in the rear of the structure and is not permitted in front of the structure. Front yards are to be maintained with grass or vegetative ground cover.
- c) Parking Lot Coverage: The parking area may not cover more than 40% of the parcel.
- d) Parking Lot Access: Parking areas are to be accessed from either the adjacent alley or the driveway from the street, whichever is the prevailing pattern.

4. Accessory Structures shall be the same as provided for the R-M district.

- 5. Landscaping shall be governed by Chapter 11A, Performance Based Landscape Regulations. Additionally, if a parcel abuts a residentially used or zoned parcel and the rear outdoor areas or porches are utilized in conjunction with a non-residential use, then one of two screening options are required for the side and rear property lines:
  - 1. opaque screening six feet in height, or
  - 2. a single row of evergreen trees, eight feet on center, and at least five feet in height at the time of installation.

All screening along the side and rear property lines is required to begin parallel to the rear corners of the primary structure and extend to meet the screening along the rear property line.

- 6. A permit from the city is required for any use other than residential.
- 7. Non-residential use may occur only between the hours of 6:00 a.m. and 9:00 p.m.

Ord. 10-26 Updated 6/10

### 311 - O-S DISTRICT -- OPEN SPACE AND RESERVED

#### A. Purpose and Applicability

The purpose of the Open Space and Reserved District is to regulate the conduct of certain agricultural activities, preserve open spaces, and serve as an interim zoning classification for newly annexed properties.

#### B. Permitted Uses

<u>NAICS CODE</u>	<u>USE</u>
11	Agriculture, Forestry, Fishing and Hunting
	Other commercial activities related to and clearly subordinate to the above, but limited to:
312130	Vineyards and wineries and retail operations associated with same.
	Agriculturally-related educational facilities.
	Agriculturally-related festivities and structures to house such festivities.
721191	Bed and breakfast inns.
	Single family residential dwellings, including dwellings for permanent or temporary employees.
	Barns and animal shelters
	Uses as accessories to the above including:
	roadside sales stands and on-farm retail markets.
	other farm related structures.
	on-farm petting zoos.
	“pick your own” farm produce operations.



	Open spaces and public parks.
22	Public or private utilities necessary to service the residents of the area. Solar or wind operated electrical generating facilities.
713910	Golf courses, including golf driving ranges, provided clubhouses and maintenance buildings shall be located not less than three hundred (300) feet from any lot in a residential district.
81220	Cemeteries, including mausoleums, crematoriums and columbariums in conjunction therewith, provided that crematoriums shall be located not less than seven hundred (700) feet from any lot line, and that mausoleums and columbariums shall be located not less than three hundred (300) feet from any lot line.
5151	Radio and television broadcasting facilities

### **C. Lot Development Standards**

1. Lot sizes – Each lot shall contain a minimum of fifty (50) acres with a minimum frontage of three hundred (300) feet. Each lot may contain up to five detached single family dwellings provided:
  - a. Each dwelling is separated by at least fifty (50) feet measured from the closest edge of structure to the closest edge of structure; and
  - b. Each dwelling is accessed by a common driveway or driveways separated by at least one hundred feet from centerline to centerline.
2. Setbacks –
  - a. Front yard setback: One hundred (100) feet.
  - b. Side yard setback: Fifty (50) feet.
  - c. Rear yard setback: Fifty (50) feet.
  - d. Corner lot side yard setback: One hundred (100) feet.
3. Lot coverage – the maximum lot coverage for a lot shall be 25% inclusive of all primary and accessory structures.
4. Maximum height – Thirty five (35) feet for residential structures and sixty (60) feet for all other structures provided that spires, belfries, cupolas, monuments, water towers, silos, chimneys, flues, flagpoles, antennas, and radio and television transmission towers are exempt from this height limitation.
5. Signage -- One freestanding sign containing a maximum of sixty four (64) square feet in area, no more than ten (10) feet tall, and be no closer than fifty (50) feet to a side yard boundary.

Ord. 10-15 Updated 1/11

### 312 - RESIDENTIAL SPACE REQUIREMENT CHART

<b>ZONE</b>	<b>SETBACKS</b>	<b>LOT SPACE</b>	<b>BUILDING AREA</b>	<b>HEIGHT</b>
<b>R-M</b>	<p><b>RESIDENTIAL STRUCTURES</b>                      Front yard - 30'                      Rear yard - 50'                      Side yard on each side of every lot - 15'</p> <p><b>ACCESSORY BUILDINGS</b>                      One Story from any property line - 5'                      Two story or above 12' in height - meet required side and rear yard setback for the zoning district.</p> <p><b>OTHER PERMITTED STRUCTURES</b>                      Front yard - 50'                      Rear yard - 50'                      Side yard on each side of every lot - 30'</p>	<p>Minimum lot area - 1 acre</p> <p>Minimum lot width – 100 ft.</p>	<p>1 unit/acre maximum density</p> <p>30% maximum lot coverage*</p>          <p>30% maximum lot coverage*</p>	<p>Dwellings - 3 stories</p>     <p>Accessory buildings - 2 stories</p>       <p>Maximum 3 stories or 35 feet unless each side yard is increased over required minimum by 5' or fraction thereof of height over 3 stories</p>
<b>R-1A</b>	<p><b>RESIDENTIAL STRUCTURES</b>                      Front yard - 35'                      Rear yard - 35'                      Side yard on each side of every lot:                      One and two story building - 10'                      Three story building - 15'</p> <p><b>ACCESSORY BUILDINGS</b>                      Same as for R-M</p> <p><b>OTHER PERMITTED STRUCTURES</b>                      Front yard - 50'                      Rear yard - 50'                      Side yard on each side of every lot - 25'</p>	<p>Minimum lot area – 14,520 sq. ft.</p> <p>Minimum lot width – 75 ft.</p>	<p>3 units per acre maximum density</p> <p>30% maximum lot coverage*</p>          <p>30% maximum lot coverage*</p>	<p>Dwellings - 3 stories</p>     <p>Accessory buildings - 2 stories                      Shall not exceed 3 stories or 35 ft. unless each side yard is increased over the required minimum by 5 ft. for every 5 ft. or fraction thereof of height over 3 stories</p>

\* Total area occupied by all buildings on a single lot.

ZONE	SETBACKS	LOT SPACE	BUILDING AREA	HEIGHT
<b>R-1B</b>	<p><b>RESIDENTIAL STRUCTURES</b>  Front yard - 30'  Rear yard - 30'  Side yard on each side of every lot - 10'</p> <p><b>ACCESSORY BUILDINGS</b>  Same as for R-M</p> <p><b>OTHER PERMITTED STRUCTURES</b>  Front yard - 50'  Rear yard - 50'  Side yard on each side of every lot - 25'</p>	<p>Minimum Lot Area - 7,260 sq. ft.  Minimum Lot Width – 50 ft.</p>	<p>6 units/acre maximum density  30% maximum lot coverage*</p> <p>30% maximum lot coverage*</p>	<p>Dwellings - 3 stories</p> <p>Accessory Buildings - 2 stories</p> <p>Shall not exceed 3 stories or 35 ft. unless each side yard is increased over the required minimum by 5 ft. for every 5 ft. or fraction thereof of height over 3 stories</p>
<b>R-2</b>	<p><b>RESIDENTIAL STRUCTURES</b>  Front yard - 30'  Rear yard - 30'  Side yard on each side of every lot - 8'  Width of both side yards - 20'</p> <p><b>ACCESSORY BUILDINGS</b>  Same as for R-M</p> <p><b>OTHER PERMITTED STRUCTURES</b>  Front yard - 40'  Rear yard - 35'  Side yard on each side of every lot - 25'</p>	<p>Minimum Lot Area - 7,500 sq. ft.  Minimum Lot Area per Dwelling unit - 4,840 sq. ft.  Minimum Lot Width - 50'</p>	<p>9 units/acre maximum density  30% maximum lot coverage*</p> <p>30% maximum lot coverage*</p>	<p>Dwellings - 2 stories</p> <p>Accessory Buildings - 2 stories</p> <p>Shall not exceed 2 stories unless each side yard is increased over the required minimum by 5 ft. for every 5 ft. or fraction thereof of height over 3 stories.</p>

\* Total area occupied by all buildings on a single lot.

ZONE	SETBACKS	LOT SPACE	BUILDING AREA	HEIGHT
R-3	<p><b>RESIDENTIAL STRUCTURES</b>            Front yard - 25'            Rear yard - 30'            Side yard on each side of every lot:              One and two story buildings - 6'              Three story buildings - 10'            Width of both side yards together:              One and two story buildings - 30% of lot width or 20'              Three story buildings - 40% of lot width or 30'</p> <p><b>ACCESSORY BUILDINGS</b>            Same as for R-M</p> <p><b>OTHER PERMITTED STRUCTURES</b>            Front yard - 35'            Rear yard - 35'            Side yard on each side of every lot - 20'</p>	<p>Minimum lot area - 6,000 sq. ft.</p> <p>Minimum lot area per dwelling unit - 3,350 sq. ft.</p> <p>Minimum lot width - 50'</p>	<p>13 units/acre maximum density</p> <p>40% maximum lot coverage*</p> <p>40% maximum lot coverage *</p>	<p>Dwelling - 3 stories</p> <p>Accessory Buildings - 2 stories</p> <p>3 stories or 35 ft. unless each side yard increased over required minimum by 5 ft. for every 5 ft. or fraction thereof of additional height over 3 stories.</p>
R-4	<p><b>RESIDENTIAL STRUCTURES</b>            Yards - same as for R-M</p> <p><b>ACCESSORY BUILDINGS</b>            same as for R-M</p> <p><b>OTHER PERMITTED STRUCTURES</b>            Same as for R-3</p>	<p>Minimum lot area - 6,000 sq. ft.</p> <p>Minimum lot area per dwelling unit - 2,178 sq. ft.</p> <p>Minimum lot width - 50 ft.</p>	<p>20 units/acre maximum density</p> <p>60% maximum lot coverage*</p> <p>60% maximum lot coverage*</p>	<p>3 stories or 35 ft. unless waived by Board of Zoning Appeals</p> <p>3 stories or 35 ft. unless waived by Board of Zoning Appeals</p>
R-5	<p><b>RESIDENTIAL STRUCTURES</b>            Yards - same as for R-M</p> <p><b>ACCESSORY BUILDINGS</b>            same as for R-M</p> <p><b>OTHER PERMITTED STRUCTURES</b>            Same as for R-3</p>	<p>Minimum lot area - 6,000 sq. ft.</p> <p>Minimum lot area per dwelling unit - 1,244 sq. ft.</p> <p>Minimum lot width - 50 ft.</p>	<p>35 units/acre maximum density</p> <p>60% maximum lot coverage*</p> <p>60% maximum lot coverage*</p>	<p>4 stories or 45 ft. unless waived by Board of Zoning Appeals</p> <p>4 stories or 45 ft. unless waived by Board of Zoning Appeals</p>

\* Total area occupied by all buildings on a single lot.

ZONE	SETBACKS	LOT SPACE	BUILDING AREA	HEIGHT
<b>R-O</b>	Same as the RE Zoning District Section 308 D 3	Same as the RE Zoning District Section 308 D 2	1 single family unit or 1 duplex having 2 units, either Commercial, residential, or mixed use or Bed and Breakfast Accommodations, minimum of four guest rooms and a maximum of six, per the definition founding Section 203 of Zoning Ordinance.	Same as Re Zoning Section 308 D 5
<b>R-E</b>	Refer to RE Zoning District, Section 308 D 3	RE Zoning District Section 308 D 2 Minimum Lot Size, 7,000 square feet Maximum Lot Size: 20,000 square feet Maximum Lot Coverage: 30% Minimum Lot Frontage: 50% Maximum Lot Frontage: 100'	1 single family unit or 1 duplex having 2 units	Max 35' or 2.5 stories per RE Zoning Section 308 D 5
<b>O-S</b>	<b>ALL STRUCTURES</b> Front yard - 100' Rear yard – 50' Side yard on each side of every lot - 50' Corner lot side yard – 100'	Minimum lot area – 50 acres Minimum lot frontage – 300'	5 single family detached units per 50 acre lot	Dwellings – 35' Accessory buildings – 60'

Ord. 10-26 Updated 6/10  
Ord. 10-15 Updated 1/11  
Ord. 17-7 Updated 1/18

## CHAPTER 4 BUSINESS DISTRICTS

### SECTION

- 401 B-1A District (Limited Business/Institutional)
- 402 B-1B District (Neighborhood Shopping/Office Zone)
- 403 B-2 District (Central Business)
- 404 B-2E District (Central Business Expansion)
- 405 B-3 District (General Business)
- 406 Space Requirements for Business Zone Chart
- 407 Planned Business District
- 408 Planned Development Area Overlays

### **401 - B-1A DISTRICT - LIMITED BUSINESS/INSTITUTIONAL ZONE**

This district will accommodate and protect the development and maintenance of certain relatively homogeneous use categories. These categories include medical and related uses, as well as offices and institutions, with some compatible light commercial establishments.

1. *Permitted Uses* \*
  - a. Single-family and two-family residences at R-2 space requirements
  - b. 44-45 – Retail Trade; limited to:
    - 453- Miscellaneous Store Retailers; limited to:  
Florists (4531)  
Office Supplies, Stationary, and Gift Stores (4532)
  - c. 52 – Finance and Insurance
  - d. 53 – Real Estate and Rental and Leasing; limited to:
    - 531- Real Estate; except for:  
Lessors of Mini-warehouses and self-storage units (53113)
  - e. 54 – Professional, Scientific, and Technical Services; except for:
    - 541- Other Professional, Scientific, and Technical Services;  
Veterinary Services (54194)
  - f. 62 – Health Care and Social Assistance; except for:
    - 621 - Ambulatory Health Care Services;  
Outpatient Care Centers (6214)  
Other Ambulatory Health Care Services (6219)
    - 622- Hospitals
    - 623 - Social Assistance
  - g. 72 – Accommodation and Food Services; limited to:
    - 722 - Food Services and Drinking Places; limited to:  
Full – Service Restaurants (7221)
  - h. 81- Other Services (except Public Administration); limited to:
    - 812 – Personal and Laundry Services – limited to:  
Personal Care Services (8121)  
Drycleaning and Laundry Services; except for:  
Linen and Uniform Supply (81233)  
Other Personal Services; except for:  
Pet Care (except Veterinary) Services  
(81291)  
Parking Lots and Garages (81293)
  - i. Parking lots for permitted uses
  - j. Signs - as specified in Chapter 2, Section 216
  - k. Temporary long-term sales as defined by Chapter 2, Section 219

\* - Permitted use section terminology reference is the 2002 North American Industrial Classification System (NAICS).”

2. *Uses Permitted by Special Use Permit Only.* Same as R-M District.

3. *Space Requirements* (See chart at end of this Chapter)
4. *Off-Street Parking, Loading and Unloading.* Shall be provided in accordance with Chapter 2, Sections 213 and 214 of this Ordinance.
5. *Other Provisions and Requirements*
  - a. Screening of a masonry, evergreen vegetation or other type approved by the Planning Commission or Planning Division Staff may be required around property where it abuts a residential use, residential district, school, park, or public street.
  - b. All businesses or services shall be conducted wholly within a completely enclosed building, except for automobile parking.
  - c. No outdoor music facilities shall be allowed. (Ord. No. 97-95, 1-13-98)

#### **402 - B-1B DISTRICT - NEIGHBORHOOD SHOPPING/OFFICE ZONE**

The B-1B district is to accommodate light commercial and office uses. This district is characteristically located near residential districts and is primarily meant to cater to the everyday needs of a limited residential area.

1. *Permitted Uses\**
  - a. Single-family and two-family residences at R-2 space requirements
  - b. 44-45 – Retail Trade; limited to:
    - 442 - Furniture and Home Furnishings Store
    - 443 - Electronics and Appliance Stores
    - 445 - Food and Beverage Stores
    - 446 - Health and Personal Care Stores
    - 447 - Gasoline Stations
    - 448 - Clothing and Clothing Accessories Store
    - 451 - Sporting Goods, Hobby, Book, and Music Stores
    - 453 - Miscellaneous Store Retailers; except for:  
Manufactured (Mobile) Home Dealers (45393)
  - c. 52 – Finance and Insurance
  - d. 53 – Real Estate and Rental and Leasing; limited to:
    - 531 - Real Estate; except for,  
Lessors of Mini-warehouses and self-storage units (53113)
    - 532 - Rental and Leasing Services; limited to:  
Video Tape and Disc Rental (53223)  
Other Consumer Goods Rental (53229)
  - e. 54 – Professional, Scientific, and Technical Services; except for:
    - 541- Other Professional, Scientific, and Technical Services;  
Veterinary Services (54194)
  - f. 62 – Health Care and Social Assistance; limited to:
    - 621 - Ambulatory Health Care Services; except for:  
Outpatient Care Centers (6214)  
Other Ambulatory Health Care Services (6219)
    - 624 - Social Assistance; limited to:  
Services for the Elderly and Persons with Disabilities (62412)  
Child Day Care Services (6244)
  - g. 72 – Accommodation and Food Services; limited to:
    - 722 - Food Services and Drinking Places; limited to:  
Full – Service Restaurants (7221)
  - h. 81- Other Services (except Public Administration); limited to:
    - 811 – Repair and Maintenance; limited to:  
Electronic and Precision Equipment Repair and Maintenance (8112)

Personal and Household Goods Repair and Maintenance; limited to:  
Footwear and Leather Goods Repair (81143)  
Other Personal and Household Goods  
Repair and Maintenance (81149)

812 - Personal and Laundry Services; limited to:  
Personal Care Services (8121)  
Drycleaning and Laundry Services; except for:  
Linen and Uniform Supply (81233)  
Other Personal Services; except for:  
Pet Care (except Veterinary) Services (81291)  
Parking Lots and Garages (81293)

813- Religious, Grant Making, Civic, Professional, and Similar Organizations

- i. Parking lots for permitted uses
- j. Signs – as specified in Chapter 2, Section 216

\* - Permitted use section terminology reference is the 2002 North American Industrial Classification System (NAICS).

- 2. *Uses Permitted by Special Use Permit Only.* Same as in R-M District, private golf, swimming or tennis clubs and automobile sales.
- 3. *Space Requirements* (See chart at end of this Chapter)
- 4. *Off-Street Parking, Loading and Unloading.* Shall be provided in accordance with Chapter 2, Section 213 and 214 of this Ordinance. (Ord. No. 97-95, 1-13-98)

Ord. 14-17 Updated 10/14

#### **403 - B-2 DISTRICT - CENTRAL BUSINESS**

The B-2 district is the designation assigned to the downtown business area and is intended for uses which benefit from a central location, and which provide goods and services used by the entire community and its surrounding area.

- 1. Permitted Uses
  - a. 441, 8111 - Automobile sales and service
  - b. 52 - Banks
  - c. 8212 - Barber shops
  - d. 8212 - Beauty shops
  - e. 6112 - 6117 - Private business or trade schools
  - f. 485 - Bus terminals and taxi stands
  - g. 8123 - Coin laundries
  - h. 8123 – Dry cleaning and laundry establishments
  - i. 621 - Licensed health care facilities
  - j. 72 – Hotels; except for 72112 (casino hotels) and 7212 (RV parks)
  - k. 5121 - Indoor theaters
  - l. 31, 32, 33 - Manufacture of articles where operation includes retail sales on premises, employs not more than five operators, and has no outside storage. Examples include, but are not limited to: bakeries, frame shops, candy shops and custom jewelry shops.
  - m. 447 - Motor fuel stations
  - n. 51 – Offices (Ord. No. 4-5-88, § 1)
  - o. 237310 - Parking lots
  - p. 236220 - Parking garages
  - q. 71 - Places of amusement and entertainment
  - r. 323 - Printing and engraving establishments
  - s. 92 - Public buildings
  - t. 236220, 452910, 45113, 481219, 488119, 523910, 561599, 711211, 71394, 71399, 72131, 81341 - Public or private clubs



- u. Residential purposes as specified below:
    - 1. 236115 - Single and two-family residences with R-2 densities (construction or expansion must be approved by Building Inspector).
    - 2. 236116 - Multifamily residences.
  - v. 44, 45 - Retail businesses
  - w. N/A - Signs - as specified in Chapter 2, Section 216
  - x. 42 - Wholesale businesses
  - y. 45439 - Temporary long-term sale as defined in Chapter 2, Section 219
2. Space Requirements (See chart at end of this Chapter)
3. Off-Street Parking, Loading and Unloading
- a. Off-street parking - none required
  - b. Off-street loading and unloading. Buildings hereafter constructed, extended or converted to commercial use which have access to a public alley shall provide off-street facilities as required in Section 214 for the loading and unloading of merchandise and goods either within the building or adjacent to a public alley in such a manner so as not to obstruct freedom of traffic movement on the public alley. (Ord. No. 90-34, § I, 1-8-91; Ord. No. 97-95, 1-13-98)

Ord. 11-17- Updated 9/11  
Ord. 14-17 Updated 10/14

#### **404 B-2E DISTRICT – CENTRAL BUSINESS EXPANSION**

The purpose of the B-2E, Central Business Expansion District is to preserve the character and densities of this historically compact and linear area of the City. Located adjacent to and representing an extension of the traditional Central Business District, and thus its development standards, the West State Street corridor has a unique-to-the-area character. This character should be preserved in a manner that allows the existing development pattern to help establish the future design and density of the area.

1. Permitted Uses
- a. Existing Single-family & Duplex are allowed and may be replaced
  - b. Multi-family Residential
  - c. 238 – Specialty Trade Contractors, limited to administrative offices, but not allowing for equipment or material storage exterior to the office building.
  - d. 31 – Manufacturing – Permitted only as an on-site ancillary process which is accessory to the retail component of the retail use and functions as a portion of that use. It is limited to:
    - 3118 – Bakeries & Tortilla Manufacturing, limited to:
      - 311811 – Retail Bakeries
    - 312 – Beverage & Tobacco Product Manufacturing, limited to –
      - 31212 – Breweries
      - 31214 – Distilleries
    - 313210 – Hand Weaving
    - 315 – Apparel Manufacturing
    - 316 – Leather and Allied Product Manufacturing, limited to:
      - 3162 – Footwear Manufacturing
      - 3169 – Other Leather and Allied Product Manufacturing
  - e. 323 – Printing and Related Support Activities
  - f. 33 – Manufacturing, limited to –
    - 3399 – Other Miscellaneous Manufacturing, limited to:
      - 33991 – Jewelry and Silverware Manufacturing,
      - 33999 – All Other Miscellaneous Manufacturing, limited to –
        - 339992 – Musical Instrument Manufacturing
  - g. 44 – Retail Trade except for 447 – Gasoline Stations
  - h. 451 – Sporting Goods, Hobby, Book, and Music Stores
  - i. 453 – Miscellaneous Store Retailers except for 45393 Manufacture Home Dealers
  - j. 454 – Nonstore Retailer, except for Direct selling Establishments

- k. 48-49 – Transportation and Warehousing, limited to
    - 4853 – Taxi and Limousine Service
  - l. 51 – Information, except for 512132 – Drive-in Motion Picture Theaters
  - m. 52 – Finance and Insurance
  - n. 53 – Real Estate and Rental Leasing, Limited to:
    - 531 – Real Estate
    - 532 – Rental and Leasing, limited to:
      - 5321 – Automobile Equipment Rental & Leasing
      - 5322 – Consumer Goods Rental, not to include 53241 Commercial, Air, Rail, and Water
      - 533 – Lessors of Nonfinancial Intangible Assets (Except Copyrighted Works)
  - o. 54 – Professional, Scientific, and Technical Services
  - p. 55 – Management of Companies and Enterprises
  - q. 561 – Administrative and Support Services
  - r. 62 – Health Care and Social Service Assistance, limited to:
    - 6211 – Offices of Physicians
    - 6212 – Offices of Dentists
    - 6213 – Offices of Other Health Practitioners
  - s. 71 – Arts, Entertainment, and Recreation, including:
    - 711 - Performing Arts, Spectator Sports, and Related Industries, except for 7112 – Spectator Sports
    - 712 – Museums, Historical Sites, and Similar Institutions
  - t. 72 – Accommodation and Food Services, except for 7212 – RV (Recreational Vehicle) Parks and Recreational camps
  - u. 81 – Other Services (except Public Administration), limited to:
    - 811 – Repair and Maintenance, except for 8113 – Commercial and Industrial Machinery and Equipment (except for Automotive and Electronic)
    - 812 – Personal and Laundry Services, limited to:
      - 8121 – Personal Care Services
      - 8129 – Other Personal Services
    - 8122 – Death Care Services, except for 81222 – Cemeteries & Crematories
    - 813 – Religious, Grant making, Civic, Professional, and Similar Organizations
  - v. Other uses not otherwise listed above but determined to be consistent with the permitted NAICS categories of uses.
2. Uses Allowed Under Special Use Permit
    - a. 7112 – Spectator Sports
  3. Space Requirements (See chart at end of the Chapter)
  4. Off-Street Parking, Loading and Unloading
    - a. Off-street parking shall be provided in accordance with Chapter 2, Section 213 and 214 of this Ordinance.
    - b. Off-street loading and unloading. Buildings hereafter constructed, extended or converted to commercial use which have access to a public alley shall provide off-street facilities as required in Section 214 for the loading and unloading of merchandise and goods either within the building or adjacent to a public alley in such a manner so as not to obstruct freedom of traffic movement on the public alley.

Ord. 17-6 - Updated 01/18

#### **405 - B-3 DISTRICT - GENERAL BUSINESS ZONE**

This district will accommodate a variety of commercial uses and is especially designed for uses which do not require a central location, and which are not suitable for the B-1A and B-1B districts. This zone requires more open space than does the Central Business District (B-2) and is the zone appropriate for arterial and shopping center development.

1. Permitted Uses
  - a. 54194 - Animal clinics or animal hospitals with no outside kennels
  - b. 481, 8111 - Auto sales and repair
  - c. 3118 - Bakeries
  - d. 52 – Banks
  - e. 8121 - Barber shops
  - f. 8121 - Beauty shops
  - g. 3125 - Bottling works
  - h. 485 - Bus terminals
  - i. 54, 55, 561 - Businesses and professional offices
  - j. 3222 - Cardboard box manufacturing
  - k. 811192 - Car washes
  - l. 813110, 236220 - Churches
  - m. 6215 - Clinical laboratories
  - n. 44512 - Convenience stores
  - o. 624- Day care centers
  - p. 512132 - Drive-in theaters
  - q. 8123 - Dry cleaning and laundry establishments
  - r. 4247 - Flammable liquid storage above ground not exceeding one-thousand (1,000) gallons
  - s. 8122 - Funeral homes
  - t. 72 - Hotels and motels
  - u. 5121 - Indoor theaters
  - v. 8111 - Machines shops; where related to auto, auto parts, or electrical repair businesses.
  - w. 31, 32, 33, 42, 44, 45 - Manufacture of articles to be sold at retail on premises, provided such manufacturing is incidental to the retail business and employs not more than five operators
  - x. 4444 – Milk distribution stations
  - y. 447 - Motor fuel stations
  - z. 62, Offices for certified, registered or licensed health care professionals  
623110 – Nursing Home, limited to 88 beds per acre
  - aa. 327, 333 - Optical goods manufacture
  - bb. 237310 - Parking lots
  - cc. 236220 - Parking garages
  - dd. 71 - Places of amusement and entertainment
  - ee. 323 - Printing and engraving establishments
  - ff. 92 - Public buildings
  - gg. 236220, 452910, 45113, 481219, 488119, 523910, 561599, 711211, 71394, 71399, 72131, 81341 - Public or private clubs
  - hh. Residential purposes as specified below:
    1. 236115 - Single and two-family residences – construction or expansion must be approved by the Building inspector, cannot exceed R-2 space requirements.
    2. 236116 - Multifamily residences by Special Use Permit only
  - ii. 44-45 - Retail businesses
  - jj. N/A - Signs - see Chapter 2, Section 216
  - kk. 4853 - Taxi stands
  - ll. 454390 - Temporary long term sales as defined in Chapter 2, Section 219
  - mm. 4884 - Truck terminals
  - nn. 45113 - Upholstery shops
  - oo. 44112 - Used car lots
  - pp. 42 - Wholesale businesses, not to include warehouses that are separate from the offices of that business
  - qq. 4884 - Wrecker service - The storage lot for wrecked vehicles is limited to 5,000 square feet and must be enclosed with fencing
  - rr. Other uses of the same general character which are compatible with the district such as those listed above deemed appropriate by the Planning Commission by Special Use Permit.

2. Uses Allowed Under Special Use Permit
  - a. 811211 - Electronic assembly operations
  - b. 622, except 622210 – Hospitals
  - c. 7139 - Private golf, swimming and tennis clubs
  - d. 61 – Schools
  - e. 531130 - Warehouses
  - f. 71399 - Adult Entertainment Establishments
  - g. 6233 – Assisted Living Facilities, limited to the R-3 density
  - h. 81291 - Animal Day Care Facilities under the following conditions:
    1. A Site Plan for Construction or a Site Plan for Change of Use must be reviewed by Community Development staff and approved by the Bristol Tennessee Regional Planning Commission.
    2. A ten-foot landscape buffer must be maintained around the perimeter of the site when adjacent to commercial uses and 25 feet when adjacent to residential zones or uses.
    3. Outdoor exercise/recreation shall not be visible from the street.
    4. The setback for all accessory structures associated with Animal Day Care Facilities shall be a minimum of ten feet in addition to the setback required by the zone of adjacent parcels. In no instance shall the setback be less than 25 feet.
    5. The granting of a special use permit for an Animal Day Care Facility shall not exempt the permit holder from compliance with all applicable provisions of Chapter 10 of the Code of Ordinances.
  - i. 71 - Recreational Developments
3. Space Requirements (See chart at end of this Chapter)
4. Off-Street Parking, Loading and Unloading. Shall be provided in accordance with Chapter 2, Section 213 and 214 of this Ordinance. (Ord. No. 92-17, 7-7-92; Ord. No. 93-44, § IV, 1-4-94; Ord. No. 97-95, 1-13-98)

Ord. 11-17- Updated-9/11

**406 - SPACE REQUIREMENTS FOR BUSINESS ZONES**

<b>ZONE</b>	<b>SETBACKS</b>	<b>LOT SPACE</b>	<b>BUILDING AREA</b>	<b>HEIGHT</b>
B-1A	<p><i>COMMERCIAL STRUCTURES</i> <sup>1</sup>                      Minimum front yard - 20'                      Minimum rear yard – 20'                      Minimum side yard – 10'</p> <p><i>RESIDENTIAL STRUCTURES</i> <sup>2</sup>                      Minimum front yard - 25'                      Minimum rear yard 25'                      Minimum side yard – 10'</p>	<p>Minimum lot area –                      7,500 sq. ft. <sup>2</sup>                      Minimum lot area per                      dwelling unit if more                      than                      one - 5,000 sq. ft. <sup>2</sup>                      Minimum lot width – 50 ft.</p>	<p>Total area occupied by all                      buildings on a lot shall not                      exceed 30% of total lot                      area.</p>	<p>No building shall exceed 2 stories in                      height unless each side yard is                      increased over the minimum by 5 ft.                      for every 5 ft., or fraction thereof,                      additional height over 2 stories.</p>
B-1B	<p><i>COMMERCIAL STRUCTURES</i> <sup>2</sup>                      Minimum front yard - 25'                      Minimum rear yard – 20'                      Minimum side yard – 10**</p> <p><i>RESIDENTIAL STRUCTURES</i> <sup>2</sup>                      Minimum front yard - 30'                      Minimum rear yard – 30'                      Minimum side yard on either side - 8'                      Minimum combined width, both side                      yards - 20'</p>	<p>Minimum lot area per                      dwelling unit:                      Single family –                      7,500 sq. ft. <sup>2</sup>                      Two-family - 5,000 sq.                      ft. <sup>2</sup>                      Minimum lot width - 50'</p>		<p>All buildings shall comply with the                      height requirements of the most                      restrictive adjoining residential district.</p>
B-2	<p>No setbacks required, except to provide for                      Off-Street Loading and Unloading                      Requirements found in Section 214.</p>	N/A	N/A	<p>No building hereafter constructed                      shall exceed six (6) stories or 65 ft. in                      height.</p>
B-2E	<p><i>COMMERCIAL STRUCTURES</i> <sup>2</sup>                      No setbacks required, except to provide for                      Off-Street Loading and Unloading                      Requirements found in Section 214.</p> <p><i>RESIDENTIAL STRUCTURES</i> <sup>2</sup>                      No setbacks required, except to provide for                      Off-Street Loading and Unloading                      Requirements found in Section 214.</p>	<p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>30 units/acre maximum                      density</p>	<p>No building hereafter constructed                      shall exceed six (6) stories or 70 ft. in                      height.</p> <p>No building hereafter constructed                      shall exceed six (6) stories or 70 ft. in                      height.</p>

B-3	<p>COMMERCIAL STRUCTURES <sup>1</sup>  Minimum front yard - 15'  Minimum rear yard – 20'  Minimum side yard when adjoining residential lot or district – 10'</p> <p>RESIDENTIAL STRUCTURES <sup>2</sup>  Minimum front yard – 25'  Minimum rear yard – 30'  Minimum side yard – 6', 20' total or 30% of lot width; for structures 30' or greater in height – 3:1_height to side yard ratio</p>	<p>N/A</p> <p>Single Family and Two Family Residences shall follow R-2 lot space requirements</p> <p>Minimum lot area for multifamily development - 6,000 sq. ft.</p> <p>Minimum lot area per dwelling unit for multifamily development- 2,904 sq. ft.</p> <p>Minimum lot width for multifamily development- 50'</p>	<p>N/A</p> <p>Single Family and Two Family Residences shall follow R-2 building area requirements</p> <p>Maximum density for multifamily development is 15 units/acre</p> <p>40% maximum lot coverage for multifamily development</p>	<p>85' maximum, but may be less due to fire flow characteristics or the ability of fire suppression equipment to adequately serve the structure</p> <p>85' maximum, but may be less due to fire flow characteristics or the ability of fire suppression equipment to adequately serve the structure</p>
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Ord. 14-17 - Updated 10/14  
Ord. 17-6 - Updated 01/18

## 407 - PLANNED BUSINESS DISTRICT

The regulations established in this section are intended to provide optional methods of land development that encourage imaginative solutions to environmental design problems. The goal is a development plan in which buildings, land use, transportation facilities, utility systems and open spaces are integrated through overall design. The Planned Business District permits the placement of buildings on land without adherence to the conventional lot-by-lot approach common to traditional zoning based on an approved development plan. By planning the total parcel rather than the single lot, flexibility is provided in the building site by the grouping of units to create more useable open space for the preservation of significant natural features.

### A. General Provisions

The Planning Commission shall have the authority to grant the Site Plan approval in this Planned Business District with the recommendations of the Department of Community Development. Additionally the Planning Commission shall have the authority to require design changes when it is determined that the changes are necessary to reduce the impact to adjacent residential areas, to increase traffic safety, and to improve the functionality of design. Design changes may require the addition of inter-connections between adjacent access ways or parking areas and the attachment of common access easement agreements.

1. The Planning Commission may attach such conditions on the Site Plan approval as are necessary to insure the continuous conformance to all applicable standards.
2. The Planning Commission may require additional buffering, modifications in the location of parking areas, lighting plans, entrances or access points, or cross-access designs when determined necessary to protect existing residential areas, improve traffic circulation and/or safety.

### B. Development Review Procedures

#### 1. *Site Plan Submittal Requirements*

All site plans submitted for developments within a Planned Business District shall conform to the requirements of Chapter 10, Site Plan and Erosion Control Requirements.

The Planning Commission may review a preliminary concept plan for proposals requesting review of a development concept prior to the submission of a site plan compliant with Chapter 10 as provided above.

#### 2. Plan Review Procedures

- a. All proposed development plans within the Planned Business District shall be submitted to city for review and shall be presented to the Planning Commission for approval. If the development plan is disapproved, the reasons for disapproval shall be stated to the applicant. The decision of the Planning Commission shall be final.
- b. *Development in Stages.* A Planned Business District applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the comprehensive development plan.
- c. *Changes in the Plan.* Any changes to the approved comprehensive development plan shall be resubmitted to and approved by the Planning Commission.

C. Uses Permitted

Any use otherwise permitted within any of the B-1A, B-1B, B-2, and B-3 Business Districts. The Planning Commission may, upon review, permit uses not currently listed in the B-1A, B-1B, B-2, and B-3 Business Districts but considered similar in character with uses permitted in the Business District, including *Uses Allowed Under Special Use Permit*.

D. District Regulations

1. *Minimum Lot Area*

- a. There is no minimum lot area required provided the provisions of the Planned Business District are complied with.

2. *Minimum Setback Requirements*

- a. The setback requirements of the Planned Business District shall be the same as the B-3 District except as provided herein.
  1. A required twenty-five foot (25') peripheral boundary shall be required on any property line adjacent to any residentially zoned or residentially utilized property. This peripheral boundary shall be restricted in use for required buffers or landscape areas. The peripheral boundary may contain walkways and driveways for ingress and egress directly to the premises, and for rights of way for utilities and drainage channels, and shall be developed and maintained as landscape area or buffer area as required by these regulations.
  2. In order to allow flexibility in design, internal to the planned development, there shall be no requirement for a front, rear, or side yard. However, all exterior boundaries to the development shall comply with the B-3 setbacks set forth in Chart 405 – *Space Requirements for Business Zones*. The Planning Commission may require the comprehensive development plan to show additional front, rear and side yards in order to protect the public health, welfare, and safety.
  3. Principle and accessory buildings shall not encroach into any required landscaping and buffer area required on any exterior boundary.

3. *Compliance with Subdivision Regulations*. All planned development where buildings or lots may be offered for immediate or future sale, shall meet the requirements of the Subdivision Regulations.

4. *Height Regulations*. Building height regulations shall be the same as provided in the B-3 District regulations.

5. *Off-Street Parking and Loading Requirements*. Off-street parking and loading requirements shall comply with Section 213 – Off Street Automobile Parking.

6. *Comprehensive Development Plan*. A comprehensive development plan in the Planned Business District shall be approved by the Planning Commission prior to the issuance of a building permit. The comprehensive development plan shall comply with the requirements of Chapter 10 and shall include:

- a. A landscaping plan compliant with Chapter 11 of these regulations, including site grading, landscaping design, types of plantings, and height. Landscaping shall meet the provisions of Section 1109, Commercial Standards. The landscaping plan shall also provide for buffering as set forth in Section 1112, provided, however, the Planning Commission may require additional plantings and/or fencing determined to be necessary to fulfill specific buffering needs specific to the property being developed.

The Planning Commission shall have the authority to approve design changes to allow shared or common landscaping or buffering between adjacent uses, and to



deem the buffering requirements satisfied when the topography of the subject or adjoining property provides the natural buffering or otherwise makes landscaping and buffering requirements nonfunctional.

- b. Proposed construction sequence for buildings, landscaping and other uses.
- c. Proposed building elevations, materials and dimensions.
- d. *Lighting Requirements*. All exterior lighting shall conform to Section 50-30, Outdoor Lighting, of the Code of Ordinances.

- 7. *Floodplain/Floodway*. All developments within the Planned Business District shall conform to the requirements of Chapter 7, Flood Plain Districts.

## **408 – PLANNED DEVELOPMENT AREA OVERLAY**

### **Purpose:**

The purpose of Planned Development Area Overlays is to promote planned development that minimizes traffic conflicts by creating safe, controlled, and limited access; that protects the scenic natural beauty of the area; and that creates an environment of continuity through the site plan development process. Permitted uses, area, setbacks, landscaping, signage and lighting requirements in the overlay district are those set forth in the underlying zoning classification for the property unless otherwise noted.

### **I. Highway 394 Overlay**

- 1. The boundaries of this Overlay are as follows:

Those parcels adjoining Tennessee State Route 394 (SR 394) from its intersection with U.S. Highway 11E west to the corporate limits of the City of Bristol as of June 1, 2006, as specifically designated along SR 394 and shown on the Official Zoning Map as Highway 394 Overlay.

- 2. A purpose and intent of this overlay is to control access and minimize conflict points along SR 394. Proposals for the development of land or the subdivision or combination of lots with adjacent properties shall be required to provide access to these new lots and developments in a manner that minimizes the disruption of traffic and maximizes the safety of this transportation corridor.

- 3. Development Review Procedures

The Planning Commission is granted authority to approve site plans in Highway 394 Overlay, and is authorized to require design changes when such changes are determined necessary to reduce the impact of development on adjacent residential areas, or to enhance traffic safety, or to improve the functionality of design. Such changes may include, but are not limited to, the requirement that building or loading and unloading areas are located so that the rear of a building does not face a residential area, or to position parking areas to act as an additional buffer from adjacent uses. Design changes may include the addition of inter-connections between adjacent access ways or parking areas and the attachment of common access easement agreements. The Planning Commission shall have the authority to approve design changes to allow shared or common landscaping or buffering between adjacent uses.

a. Site Plan Submittal Requirements

All site plans submitted for developments within a Highway 394 Overlay shall conform to the requirements of Chapter 10, Site Plan and Erosion Control Requirements.

The Planning Commission may review a preliminary concept plan for proposals requesting review of a development concept prior to the submission of a site plan as required in Chapter 10.

b. Plan Review Procedure

All development plans within the Highway 394 Overlay shall be submitted to the city for review and shall be presented to the Planning Commission for approval. If the development plan is disapproved, the reasons for disapproval shall be stated to the applicant. The decision of the Planning Commission shall be final.

1. The Planning Commission may attach such conditions in the approval of the site plan as are necessary to ensure the continuous conformance to all applicable standards and the integrity of the district.
2. The Planning Commission may require additional buffering, modifications in the location of parking areas, lighting plans, entrances or access points, or cross-access designs when determined necessary to protect existing residential areas, improve traffic circulation, or enhance traffic safety.
3. Failure to observe the conditions imposed by the Planning Commission in the approval of a site plan shall be deemed grounds of violation and subject to the revocation of the approval.
4. Height Regulations. The maximum height of a building shall be the same as the underlying zoning district, except when adjacent to a residential district. When adjacent to a residential district, the maximum height of the adjacent residential district shall apply, unless the building is setback on the side adjacent to the residential district one foot (1') for each additional one foot (1') in height.
5. The Planning Commission may require the developer/applicant to submit a traffic study for development plans proposing new access roads or driveways to determine the impact of the access point on the traffic movement and safety on SR 394. Those standards will be defined as follows:
  - a. No new ingress-egress driveways on SR 394 shall be allowed within five-hundred fifty feet (550') of an existing driveway, field entrance, or intersection of a private or public street unless such location is

determined acceptable based on a traffic impact study.

Access to major thoroughfares may be required to be made by means of internal service roads or design features with a limited number of curb cuts to minimize conflict points. Additionally, all new curb cuts on developments entering onto a public or private highway shall, whenever possible, align with curb cuts directly across the roadway. Reference shall be made to the study conducted by the City of Bristol, Tennessee and further translated as follows for this section of SR 394:

- b. Any new access point which is permitted, regardless of location, must be situated in a manner to ensure that adequate sight distance for the posted speed limits is maintained.
- c. With the subdivision of land or as part of the site plan approval process:
  - i. The use of frontage or service roads off of the SR 394 right-of-way may be required to minimize access points and to control traffic internally from center to center.
  - ii. The Planning Commission shall have the authority to require cross connections between parcels when deemed to be in the public interest.
- d. The use of alternative public roads may be required as access points to adjacent parcels.
- e. The intention of the developer to dedicate a proposed access point as a public street shall have no impact on these standards.
- f. All access points identified on the TDOT project plans for this portion of SR 394, as well as those constructed as changes to the roadway plans are considered established access points.
- g. The Planning Commission may approve alternative new ingress-egress driveways or roads intersections on SR 394 with the submission of an approved traffic study and upon recommendation of the city manager or his designee assuring the safety provisions of this Subsection 6 will be complied with.
- h. Exterior Façade – Non-residential building elevations for new construction and additions to existing buildings are prohibited from using the following materials on any elevation that is visible from any arterial or collector street:
  - i. Bare cinder block

- i. Bare concrete block
- iii. Single sheet corrugated or ribbed panel metal siding

All new buildings or additions, including any part of a new building or addition that lies outside of the overlay, shall comply with this section.

## **II. Volunteer Parkway Overlay**

1. The boundaries of this Overlay are as follows:

Those parcels adjoining or within 250 feet from the nearest right-of-way of the Volunteer Parkway from its intersection with State Street south to the corporate limits of the City of Bristol as of May 1, 2011, as specifically designated along U.S. Highway 11E and shown on the Official Zoning Map as Volunteer Parkway Overlay.

- a. Exterior Façade – Non-residential building elevations for new construction and additions to existing buildings are prohibited from using the following materials on any elevation that is visible from any arterial or collector street:
  - i. Bare cinder block
  - ii. Bare concrete block
  - iii. Single sheet corrugated or ribbed panel metal siding

All new buildings or additions, including any part of a new building or addition that lies outside of the overlay, shall comply with this section.

## **III. Central Business District Overlay and Central Business Expansion District**

1. The boundaries of this Overlay are as follows:

Those parcels located within the area bounded by Anderson Street, State Street, the Norfolk Southern Railroad right-of-way, and Volunteer Parkway as of September 2012, and shown on the Official Zoning Map as Central Business District Overlay.

Those parcels located within the Central Business Expansion District.

- a. Exterior Façades – Building elevations for new construction and additions to existing buildings are prohibited from using the following materials on any elevation:
  - i. Bare cinder block
  - ii. Bare concrete block
  - iii. Single sheet corrugated or ribbed panel metal siding
  - iv. Wood (except as an accent)

All new buildings or additions, including any part of a new building or addition that lies outside of the overlay, shall comply with this section.

**IV. Limited Business/Neighborhood Shopping Overlay**

1. The boundaries of this Overlay are as follows:  
Those parcels located within the area zoned B-1A (Limited Business/Institutional Zone) and B-1B (Neighborhood Shopping/Office Zone).
  - a. Exterior Façades – Non-residential building elevations for new construction and additions to existing buildings are prohibited from using the following materials on any elevation:
    - i. Bare cinder block
    - ii. Bare concrete block
    - iii. Single sheet corrugated or ribbed panel metal siding
    - iv. Wood (except as an accent)
  
2. All new buildings or additions, including any part of a new building or addition that lies outside of the overlay, shall comply with this section.

Ord. 11-19 – Updated 09/11  
Ord. 12-17 – Updated 01/13  
Ord. 17-6 – Updated 01/18  
Ord. 18-1 – Updated 02/18

## CHAPTER 5 INDUSTRIAL DISTRICTS

- 501 M-1 District - Light Industrial/Business
- 502 M-2 District - General Industrial
- 503 M-3 District - Heavy Industrial
- 504 Space Requirements for Industrial Zones

### **501 - M-1 DISTRICT - LIGHT INDUSTRIAL/BUSINESS ZONE**

This district provides a place for specified industrial uses which do not emit excessive amounts of fumes, noise, heat, glare, odors, or dust. The M-1 district is also meant to accommodate areas characterized by a mixture of light industrial and mixed business uses.

1. Permitted Uses:
  - a. Any use permitted without a Special Use Permit in a B-3 zone, with the exception of:
    1. Funeral Homes
    2. (Repealed) (Ord. of 6-20-89, § 1)
    3. Residential uses - No new residential structures may be built in the M-1 district, and expansion of existing single and two-family structures must be approved by the Building Inspector, and expansion of multifamily structures must be by Special Use Permit.
  - b. 54194 - Animal clinics or animal hospitals
  - c. 811 - Auto body shops and paint shops
  - d. 336 - Auto parts manufacture
  - e. 444 - Building materials yards
  - f. 3371 - Cabinetmaking shops
  - g. 3371 - Carpenter shops
  - h. 4543 - Coal yards
  - i. 23 - Contractor shops and yards
  - j. Enclosed facilities for manufacturing, compounding, assembling, processing (not to include incinerating), packaging, and/or altering of the following materials: canvas, cellophane, cellulose, cloth, cork, electronic components, felt, fiber, fur, glass, horn, leather, linoleum, paper, plastics, precious and semiprecious metals, precious and semiprecious stones, rubber, shell, textiles, tobacco, wax, wire, wood products (excluding saw mills and furniture factories), and yarn.
  - k. 424 - Flammable liquid storage above ground
  - l. 3114 - Fruit or vegetable canning or packaging
  - m. 3121 - Ice plants
  - n. 8112 - Machine repair shops
  - o. 3327 - Machine shops
  - p. 3333 - Office machine manufacture
  - q. 3254 - Pharmaceutical products manufacture
  - r. 92 - Public buildings
  - s. 221 - Public or private utilities
  - t. N/A - Signs - See Chapter 2, Section 216
  - u. 444 - Stone cutting or polishing
  - v. 4931 - Warehouses
  - w. 488490 - Wrecker service - The storage lot for wrecked vehicles is limited to 6,500 square feet and must be enclosed with fencing
2. Uses Allowed Under Special Use Permit
  - a. 622 - Hospitals
  - b. 7139 - Private golf, swimming and tennis clubs
  - c. 61 - Schools
  - d. 624 - Day care centers

- e. 236116 - Expansion of existing multifamily dwellings
- 3. Space Requirements - See chart at end of this chapter
- 4. Off-Street Loading and Unloading - See Section 214
- 5. Off-Street Parking - See Section 213

Ord. 11-17 – Updated 9-11

## 502 - M-2 DISTRICT - GENERAL INDUSTRIAL ZONE

This district is to provide a place for uses which create a moderate environmental impact and uses that should be separated from other land uses in the city.

1. Permitted Uses:
  - a. 31, 32, 33 - All manufacturing, repair and cleaning
  - b. 3111 - Animal by-products manufacturing
  - c. 54194 - Animal hospitals with outside kennels
  - d. 3324 - Boiler and tank works
  - e. 3121 - Bottling works
  - f. 327 - Brick, block, tile, pottery, or terra-cotta manufacture
  - g. 444 - Building materials yards
  - h. 327 - Central mixing plant for cement, mortar, plaster, or paving materials
  - i. 325 - Chemical manufacture or processing
  - j. 3222, 3133 - Cloth or paper bag manufacture
  - k. 4543 - Coal yards
  - l. 23 - Contractors shops and yards
  - m. 2123 - Crushed stone manufacturing facilities
  - n. 3115 – 2123 - Dairy products and manufacture
  - o. 325 - Dye manufacture
  - p. 335 - Electrical appliance or fixture manufacture
  - q. 424 - Flammable liquids storage as approved by the Fire Marshal
  - r. 3315 - Foundries
  - s. 337 - Furniture manufacture
  - t. 333 - Machinery manufacture
  - u. 33 - Metal, plastic or fiberglass structural fabrication plants
  - v. 4471 - Motor fuel stations
  - w. 4247 - Petroleum products distributorships
  - x. 3254 - Pharmaceutical products manufacture
  - y. 3219 - Planing mills
  - z. 92 - Public buildings
  - aa. 221 - Public or private utilities
  - bb. N/A - Signs - See Chapter 2, Section 216
  - cc. 112, 3116 - Stockyards or slaughterhouses for animals or fowls
  - dd. 3252 - Synthetic fiber manufacture
  - ee. 4884 - Truck terminals
  - ff. 4931 - Warehouses
  - gg. 488490 - Wrecker service - The storage lot for wrecked vehicles is limited to 7,500 square feet and must be enclosed with fencing
2. Uses Allowed Under Special Use Permit:
  - a. 622 - Hospitals
  - b. 7139 - Private golf, swimming and tennis clubs
  - c. 61 - Schools
  - d. 624 - Day care centers
  - e. 236116 - Expansion of multifamily residential structures (see #6 of this Section)

- f. 622210 - Methadone treatment facilities and substance abuse treatment facilities, provided that the facility: (1) has received an appropriate license and certificate of need from the State of Tennessee; (2) is located on and has access to an arterial street as designated on the city's Major Road Plan Map adopted by the Planning Commission; and (3) is not located within one thousand (1000) feet of a school (public or private) or day care center, as measured on a straight line from the nearest property line of the parcel on which the facility is situated to the nearest property line of the parcel on which the school or day care center is situated
3. Space Requirements - See chart at end of this chapter
  4. Off-Street Loading and Unloading - See Section 214
  5. Off-Street Parking - See Section 213
  6. Residential Uses - No new residential structures may be built in this district, and expansion of existing single and two-family units must be approved by the Building Inspector. Expansion of multifamily structures may be by Special Use Permit only.

Ord. 11-17 – Updated 9-11  
Ord. 12-7 – Updated 7-12

### **503 - M-3 DISTRICT - HEAVY INDUSTRIAL ZONE**

This district is established to permit uses which may produce high social or environmental impacts or which have an impact that is regional in nature. These uses include activities that may create high environmental consequences such as, but not limited to: produce excessive noise or vibration; produce negative effects on air or water quality; produce waste disposal problems; or produce excessive industrial traffic. In addition, this district will provide for the regulation or uses which have traditionally been considered public in nature but which may be provide by non-public providers, such as sanitary landfills, regional recycling centers, correctional facilities, and impound facilities. In addition, special control measures may be required to assure compatibility with other surrounding uses to ensure that any negative impacts do not extend beyond this land use district.

1. Permitted Uses: All permitted uses shall be by Special Use Permit.
  - a. 4239 - Automobile and metal salvage
  - b. 22132 - Sanitary sewerage processing plants or sewerage waste disposal sites
  - c. 562212 - Sanitary or demolition landfills
  - d. 42393 - Recycling facilities
  - e. 424690, 325920 - Explosives manufacturing or distribution centers
  - f. 92214 - Correctional facilities
  - g. 32411 - Petroleum products production
  - h. 488490 - Impound storage facilities
  - i. 3116 - Meat and poultry processing plants
  - j. Such other uses determined to be potentially hazardous to the environment or of regional impact
2. All uses shall meet the following criteria:
  - a. Be located on a major arterial or collector street
  - b. Contain a minimum site of 50 acres
  - c. Provide a site plan meeting the criteria of Chapter 10 and all landscaping and buffering requirements contained in Chapter 11 of this Ordinance.
  - d. Provide all required State and Federal permits along with applicable supporting materials.
3. In addition, the Planning Commission shall have the authority to require the submission of additional materials such as, but not limited to:
  - a. Environmental impact statement



- b. Traffic generation report and elevation
- c. Traffic control plan
- d. Waste management plan
- e. Disaster or accident response plan

The Planning Commission shall have the authority to require greater setbacks, buffering, screening, and parking standards than set forth in this Ordinance in order to protect the public and to ensure use compatibility for the intended use.

Ord. 11-17- Updated 9/11

**504 - SPACE REQUIREMENTS FOR INDUSTRIAL ZONES**

<b>ZONE</b>	<b>SETBACKS FOR MANUFACTURING USES</b>	<b>SETBACKS FOR COMMERCIAL USES</b>	<b>HEIGHT</b>
M-1	Minimum Front Yard - 10' Minimum Rear Yard - 25' Minimum Width of Each Side Yard - 10'	Minimum Front Yard - 15'* Minimum Rear Yard - 20' Minimum Side Yard - 10' on the side of any adjoining a residential district  *Exception: where the front yards of existing structures are less than 15 ft. the front yard of a proposed structure may be less than the average front yards of such existing structures within 200 ft. of the proposed structure within the same zone and block.	<u>Commercial Uses</u> No building shall exceed three stories or 35 ft. in height without approval of the Board of Zoning Appeals.  <u>Manufacturing Uses</u> No building shall exceed six stories or 65 ft.
M-2	Buildings and other structures shall not be located closer to any property line than 30 ft.	N/A	No building shall exceed six stories or 65 ft.
M-3*	Buildings and other structures shall not be located closer to any property line than 30 ft.	N/A	No building shall exceed six stories or 65 ft.

\* All space requirements stated above for this zone are minimum. More stringent requirements may be imposed by the Planning Commission as prerequisites for acquisition of Special Use Permit.

Ord. 10-14 Updated 11/1

## CHAPTER 6 MOBILE HOME DISTRICTS

### SECTIONS

601 MH District (Mobile Home Park)

602 Mobile Home Space Requirement Chart

### **601 - MH DISTRICT - MOBILE HOME PARK\***

This district provides for the orderly development of mobile home parks within the city limits of Bristol, Tennessee. The use of any parcel of land within the City as the location of a residential mobile home is prohibited unless it is within an MH district, except in cases in which such a use, and the specific structure being thus used, predate the time of enactment of *the Bristol Tennessee Mobile Home Ordinance* (January 5, 1968)\*

\* The Mobile Home Park Ordinance was originally passed in December of 1967 as a revision of Chapter 24 of the old codification of the Municipal Code. In a later codification it became Title 8, Chapter 4, before presently being revised and included under Title II (Zoning).

1. *Permitted Uses:*

- a. Mobile homes and modular homes
- b. Accessory buildings or dwelling units
- c. Recreation, service, or utility buildings used in common by residents of a mobile home park.
- d. Public utilities, or private utilities franchised by residents of a mobile home park.
- e. Parks and open space.

2. *Space Requirements* - See Chart at end of this Chapter.

3. *Other Site Development Requirements* - The Mobile Home Park Plan shall show or propose all requirements listed in this Ordinance and, in addition, all said requirements shall be complied with before a Certificate of Occupancy can be issued.

- a. *Minimum Number of Mobile Home Spaces and Size of Park* - A recommended area for mobile home parks shall be at least three (3) acres, but the number of spaces and acreage shall be determined upon each application. A minimum of five (5) spaces is required for a mobile home park.
- b. *Area and Marking of Mobile Home Spaces* - All mobile home spaces shall be marked with iron pins at each corner, and shall consist of a minimum of four thousand (4,000) square feet.
- c. *Drainage* - The park shall be located on a well-drained and properly graded site. Necessary site drainage improvements must be used, as approved by the City Engineer of Bristol.
- d. *Interior Drives and Walkways* - All mobile home spaces shall abut upon an interior drive of no less than twenty (20) feet in pavement width, which shall have unobstructed access to a public street or highway in approval with the City Engineer. Walkways no less than three (3) feet wide shall be provided from mobile home spaces to pavement edge. All interior drives and walkways within the park shall be paved in accordance with the City Engineer, and shall be adequately maintained by the owner unless dedicated to the City of Bristol.
- e. *Off-Drive Parking* - Each mobile home space shall be provided with at least one (1) additional off-drive parking space, hard surfaced and adequately marked, for each three (3) mobile home spaces in the park.
- f. *Recreation Area* - Any mobile home park designed shall provide, on the same tract, a recreational area to be designated and set apart only for such purposes. Such recreational area shall contain a minimum area of two hundred (200) square feet for each mobile home space.
- g. *Special Conditions* - The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property, including such matters as protection against noise, glare, traffic hazards, dust and poor sanitation.

- h. *Anchorage* - All mobile homes within the Corporate City of Bristol Tennessee shall comply with the mobile home anchorage requirements as set forth in Section 8-406.

4. *General Requirements*

a. *Minimum Size of Mobile Homes.*

No mobile home shall be placed in a Mobile Home Park which has less than 250 square feet of floor space or does not contain a built-in bathroom with water closet, lavatory, and shower or tub which are in working condition. Travel trailers not meeting the above requirements shall be permitted for a period not to exceed one (1) week provided adequate sanitary facilities are provided in the trailer or in separate building which houses sanitary facilities.

b. *Water, Sewerage and Electricity.*

Each mobile home space shall be provided with, and each mobile home connected to, the sanitary sewerage and water supply systems of the City of Bristol; or shall, in the absence of Bristol sewerage and water, be connected to private water and sewer facilities, constructed under standards required by the Sullivan County Health Department. A minimum of two electrical outlets, one 110 volts and one 220 volts, shall be provided for each mobile home space.

c. *Lighting*

It is recommended (not mandatory) that interior drives and walkways within the park shall be lighted at night with electric lamps; of not less than 50 watts each, spaced at intervals of no more than 100 feet; or with some other arrangement providing equivalent lighting.

d. *Refuse Collection Facilities.*

One refuse collection station shall be provided for each twenty (20) mobile homes, not more than two hundred (200) feet from any mobile home served. These collection stations shall be conveniently located for collection and approved by the Sullivan County Health Department. If individual refuse containers are used on the individual mobile home space, these containers must be submerged in the ground with only the top portion extending above the ground level. In lieu of the submerged unit, stands may be used to hold the cans and screening shall be used to cover the cans from conspicuous view. The collection station and individual cans shall be kept in a sanitary condition at all times.

e. *Service, Administrative, and Other Buildings.*

1. Within a mobile home park, one (1) mobile home may be used as an administrative office. Other administrative and service buildings; housing sanitation facilities, laundry facilities, recreation facilities, etc.; shall be of permanent structure, complying with all applicable Ordinances and statutes of the City of Bristol regarding buildings, electrical, and heating installations, and plumbing and sanitation systems.
2. Service buildings shall be well lighted at all times of the day and night, shall be well ventilated and have screened openings.
3. No building shall be located closer than forty (40) feet from any mobile home.
4. All service buildings and park grounds shall be maintained in a clean, sightly condition and kept free from any condition that will menace the health of any occupant or the public, or constitute a nuisance.

f. *Structural Additions.*

All structural additions to mobile homes, other than those which are built into the unit and designed to fold out or extend from it, shall be erected only after a building permit is obtained, and such additions shall conform to the Building Code of the City of Bristol. The structural addition must be removed within ten (10) days after the mobile home is removed.

g. *Fire Protection.*

Every park shall be equipped at all times with fire extinguishing equipment in good condition, of such size, type, and number and so located within the park as to reasonably satisfy applicable regulations of the fire protecting agency. No open fires shall be permitted. Burning may be permitted in an approved incinerator under supervision of the fire protecting agency. Fire hydrants will be located if recommended by the City Engineer or Fire Chief.

h. *Fuel Storage.*

Individual fuel containers and outdoor storage facilities and connections shall be inspected and approved by the Building Inspector of the City of Bristol.

i. *Animals and Pets.*

No owner or person in charge of any dog, cat, or other pet animal residing in a mobile home park shall permit it to run at large or commit any nuisance.

j. *Management.*

In each mobile home park, there shall be a residence or building in which shall be located the office of the person in charge of said park. A copy of the park permit and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office. The duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, including all facilities and equipment, in a clean, orderly, safe and sanitary condition.

k. *Register of Occupants.*

It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

1. Name and address of each occupant
2. The make, model, and year of all mobile homes
3. The dates of arrival and departure of each trailer or coach.

The park shall keep the Register available for inspection at all times by Law Enforcement Officers, Public Health Officials and other officials whose duties necessitate acquisition of the information contained in the Register. The Register Records shall not be destroyed for a period of three (3) years following the date of registration.

l. *Certificate of Occupancy.*

The Division of Codes Enforcement shall issue a Certificate of Occupancy when all provisions of this Ordinance have been met and before any mobile home is parked.

5. *Violations.*

Any person found guilty of violating the provisions of this Section shall be guilty of a misdemeanor, and fined no less than \$5.00 nor more than \$50.00 plus court costs for each violation; every failure, refusal or neglect to comply fully and completely with the provisions of this Ordinance and each day's continuance thereof beyond the time specified for compliance shall constitute a separate offense.

**602 - Mobile Home Space Requirement Chart**

ZONE	REQUIRED ACREAGE FOR M. H. DEVELOPMENT	REQUIRED LOT AREA	MINIMUM LOT WIDTH	MINIMUM SETBACKS	MINIMUM MOBILE HOME SIZE	COMMON RECREATION AREA REQUIREMENTS	ACCESSORY STRUCTURES
MH	3 acres recommended*  *Minimum required acreage shall be determined upon each application	4,000 square feet	40'	15 ft. side yard clearance between mobile homes, including mobile homes parked end-to-end  No mobile home shall be located closer than 40 ft. to any building within the park; within 25 ft. of any exterior street or boundary line of the park; or closer than 25 ft. to the edge of any interior drive	250 square feet of floor space	Minimum 200 square feet per mobile unit must be set aside	

Ord. 11-6 Updated 3/11

## CHAPTER 7 FLOOD PLAIN DISTRICTS

- 701 Flood Plain Districts
- 702 Municipal Flood Plain Management Ordinance

### 701 - FLOOD PLAIN DISTRICTS

For the purpose of this ordinance, land included in the Flood Plain district shall be those areas delineated of special flood hazards identified by the Federal Emergency Management Agency in its Flood Insurance Study dated September 29, 2006, with accompanying maps and other supporting data and any revisions thereto; and shall function as an overlay to the existing districts of the official *Zoning Map for Bristol, Tennessee*. As such, the provisions for the Flood Plain District shall serve as a supplement to the other zoning provisions. The provisions of the ordinance are as follows:

1. *Floodway District.* The floodway district is that area delineated as being necessary to enable the Flood Plain to carry the water to the 100-year flood without increasing the water surface elevation more than one foot at any point. These districts are established to meet the needs of Beaver Creek, Little Creek, Cedar Creek, and Sinking Creek; to carry abnormal flows of water in time of flood; and to prevent encroachments into the districts, which will unduly increase flood heights and damage, and to prevent the loss and excessive damage to property in the areas of greatest flood hazard.
  - a. *Permitted Uses:*

The following uses are permitted providing all provisions of this Chapter are met:

    1. Open-type uses such as loading and unloading areas and parking lots.
    2. Open-type public and private recreational facilities such as public parks and golf driving ranges.
    3. Transient or temporary uses such a special event parking and display areas.
    4. Agricultural uses.
    5. Railroad, streets, bridges and utility lines.
    6. Any other use customarily accessory or incidental to the above permitted use.
  - b. *Uses Prohibited:*
    1. Structures other than those permitted in Section 11-701(1)(a).
    2. The placement of any mobile home.
    3. Landfill or dumping, except as necessary in the construction of railroads, streets, or bridges, except in accordance with the provisions of this Chapter
    4. Any use which would result in an increase in the regulatory flood elevation.
2. *Flood-Fringe District.* The Flood-Fringe District shall be that area of the 100-year Flood Plain not included in the floodway district as indicated on the maps referred to in this section. The elevation of these floods shall be determined by the 100-year flood elevations as contained in the flood profiles of the above-referenced Flood Insurance Study.

### 702 - MUNICIPAL FLOODPLAIN ZONING ORDINANCE

#### A. *Statutory Authorization, Findings of Fact, Purpose and Objectives*

##### 1. Statutory Authorization

The Tennessee General Assembly has in Tennessee Code Annotated Sections 13-7-201 through 13-7-210 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its

citizenry. Therefore, the City of Bristol, Tennessee does hereby ordain as follows:

2. Findings of Fact

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

3. Statement of Purpose

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

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

4. Objectives

The objectives of this Section are:

- a. To protect human life, health, safety and property;
- b. To minimize expenditure of public funds for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;



- f. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- g. To ensure that potential home buyers are notified that property is in a floodprone area; and
- h. To maintain eligibility for participation in the NFIP.

**B. Definitions**

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

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

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

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

**Board of Zoning Appeals** – means the Board of Zoning Appeals of the City.

**Building** – see "Structure".

**City** – means the City of Bristol Tennessee.

**City Manager** – means the city manager of the City.

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

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

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

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

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

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

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

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

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

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

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

**Flood Elevation Determination** – means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

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

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

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

**Floodplain or Floodprone Area** – means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

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

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

**Flood-related Erosion Area Management** – means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion

damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

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

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

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

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

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

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

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

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

**Lowest Floor** – means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a

building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.

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

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

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

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

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

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

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

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

**100-year Flood** – see "Base Flood".

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

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

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

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and

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

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

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

**Section 702** – means the City's *Municipal Floodplain Zoning Ordinance* which consists of Section 702 of the Zoning Ordinance, as amended from time to time.

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

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

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

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

**Structure** – means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

**Substantial Improvement** – means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage",

regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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

**Substantially Improved Existing Manufactured Home Parks or Subdivisions** – means 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.

**Variance** – means a grant of relief from the requirements of this Section.

**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 Section is presumed to be in violation until such time as that documentation is provided.

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

**Zoning Ordinance** – means the Zoning Ordinance of the City.

### C. *General Provisions*

#### 1. Application

This Section shall apply to all areas within the City.

#### 2. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47163C0082D [panel not printed], 47163C0083D, 47163C0084D<sup>1</sup>, 47163C0089D, 47163C0091D, 47163C0092D, 47163C0093D, 47163C0094D, 47163C0101D, 47163C0102D, 47163C0103D, 47163C0104D, 47163C0106D, 47163C0107D, 47163C0108D, 47163C0109D, 47163C0111D, 47163C0112D, 47163C0113D, 47163C0114D, 47163C0116D, 47163C0117D, 47163C0126D<sup>1</sup>, 47163C0128D, 47163C0277D, 47163C0281D, 47163C0282D, 47163C0283D, 47163C0284D, dated September 29, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Section.

3. Requirement for Development Permit

A development permit shall be required in conformity with this Section 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 Section and other applicable regulations.

5. Abrogation and Greater Restrictions

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

6. Interpretation

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

7. Warning and Disclaimer of Liability

The degree of flood protection required by this Section 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 Section 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 Section shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

8. Penalties for Violation

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

*D. Administration*

1. Designation of Administrator

The City Manager is hereby appointed as the Administrator to implement the provisions of this Section.



2. Permit Procedures

An application for a development permit shall be made to the Administrator on forms furnished by the City 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

- (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.
- (2) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.
- (3) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Section 702.E.1 and E.2
- (4). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

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

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

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

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by

the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Duties and Responsibilities of the Administrator

The duties and responsibilities of the Administrator shall include, but not be limited to, the following:

- a. Review all development permits to assure that the permit requirements of this Section have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.
- c. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- d. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- e. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- f. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 702.D.2.
- g. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 702.D.2.
- h. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 702.D.2.
- i. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
- j. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City's FIRM meet the requirements of this Section.

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

E. *Provisions for Flood Hazard Reduction*

1. General Standards

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

- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- b. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- e. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Section, shall meet the requirements of "new construction" as contained in this Section;
- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Section, shall be undertaken only if said non-conformity is not further extended or replaced;
- k. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. § 1334;
- l. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 702.E.2;

- m. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- n. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

2. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 702.E.1, are required:

a. Residential Structures

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

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

b. Non-Residential Structures

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

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

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 702.D.2.

c. Enclosures

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

- (1) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) Provide a minimum of two 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 finished 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.
- (2) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access. 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).
- (3) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 702.E.2.

d. Standards for Manufactured Homes and Recreational Vehicles

- (1) All manufactured homes placed, or substantially improved, on: individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - (a) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation; or
  - (b) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in this Section).
- (3) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Section 702.E.1 and E.2.
- (4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - (a) Be on the site for fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - (c) The recreational vehicle must meet all the requirements for new construction.

e. Standards for Subdivisions and Other Proposed New Development Proposals

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

- (1) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- (3) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 702.E.5).

3. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Section 702.C.2, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City and certification, thereof.
- b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 702.E.1 and E.2.

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

Located within the Special Flood Hazard Areas established in Section 702.C.2, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- a. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (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 and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 702.E.1 and E.2.

5. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Section 702.C.2, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- a. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see b below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 702.E.1 and E.2.
- b. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- c. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 702.B). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 702.D.2. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 702.E.2.
- d. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- e. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 702.E.1 and E.2. Within approximate A Zones, require that those subsections of Section 702.E.2 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Section 702.C.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet



where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 702.E.1 and E.2, apply:

- a. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 702.E.2.
- b. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 702.D.2.
- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Section 702.C.2, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 702.D and E shall apply.

7. Standards for Unmapped Streams

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

- a. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

- b. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Section 702.D and E.

F. *Variance Procedures*

1. Board of Zoning Appeals

a. Authority

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.

b. Procedure

The Board of Zoning Appeals shall follow the procedures provided in Section 903 of the Zoning Ordinance and applicable law.

c. Appeals

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Section. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee in an amount fixed by the City for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

d. Powers

The Board of Zoning Appeals shall have the following powers:

- (1) Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Section.
- (2) Variance Procedures. In the case of a request for a variance under this Section, the following shall apply:
  - (a) The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.
  - (b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum

necessary deviation from the requirements of this Section 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 Section, 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 use;
- (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, water systems, and streets and bridges.

(d) Upon consideration of the factors listed above, and the purposes of this Section, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Section.

(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 the factors listed in Section 702.F.1

- b. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- d. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

*G. Legal Status Provisions*

1. Conflict with Other Ordinances

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

2. Severability

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

Ord. 10-7 Updated 8/10

## **CHAPTER 8 ENFORCEMENT AND ADMINISTRATION**

801	Enforcing Officer
802	Certificate of Zoning Compliance
803	Certificate of Occupancy
804	Penalties
805	Remedies

### **801 - ENFORCING OFFICER**

The City Manager or his designated agent shall administer and enforce this Ordinance. Its duties shall include receiving applications, inspecting premises, and issuing Zoning Compliance permits and Certificates of Occupancy for uses and structures that meet the requirements of this Ordinance. The Codes Enforcement Officer or other appropriate City Official has the right to enter upon any premises necessary to carry out his duties in the administration or enforcement of this Ordinance.

### **802 - CERTIFICATE OF ZONING COMPLIANCE**

It shall be unlawful to commence the excavation for or the construction of any building (including accessory buildings) or to commence the moving or alteration of any building (including accessory building) until a Certificate of Zoning Compliance for such work has been secured from the Building Inspector.

It shall be unlawful for the appropriate City Official to approve any plans or issue a Certificate of Zoning Compliance for any excavation, grading, fill, or construction within the City until he has inspected the plans for such construction in detail and found them to conform with the provisions of this Ordinance.

All applications for a Certificate of Zoning Compliance shall be accompanied by a plat or plan in duplicate, drawn to scale, showing:

1. Actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, height, and location on the lot of all buildings to be erected, altered, or moved and the location of any building existing on the lot.
3. The existing and intended use of all such buildings.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, grading, fill, or construction, as set forth in the application, is in conformity with the provisions of this Ordinance, the Codes Enforcement Officer shall issue a Certificate of Zoning Compliance. If a Certificate of Zoning Compliance is refused, the Codes Enforcement Officer shall state the reasons for such refusal in writing. A record of all Certificates of Zoning Compliance issued and refused shall be kept by the Codes Enforcement Officer.

### **803 - CERTIFICATE OF OCCUPANCY**

No land or building or part thereof hereafter erected or altered in its use or structure shall be occupied until a Certificate of Occupancy has been obtained from the Building Inspector.

Within three (3) days after application for a Certificate of Occupancy, the Building Inspector shall inspect the premises for which the Certificate of Occupancy is desired and issue a Certificate of Occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance. If a Certificate of Occupancy is refused, the Codes Enforcement Officer shall state the reasons for such refusal in writing. A record of all Certificates of Occupancy issued and refused shall be kept by the Codes Enforcement Officer.

### **804 - PENALTIES**

A violation of this Ordinance is hereby declared to be a misdemeanor. Any person, firm, or corporation convicted of violating any provisions of this Ordinance shall be subject to the penalties prescribed in the general clause for this code.

### **805 - REMEDIES**

In case any building or structure is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this Ordinance, the Codes Enforcement Officer, municipal counsel, or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

## **CHAPTER 9 BOARD OF ZONING APPEALS**

- 901 Creation and Appointment
- 902 Membership of Board of Zoning Appeals
- 903 Procedure
- 904 Appeals: How Taken
- 905 Powers of the Board of Zoning Appeals

### **901 - CREATION, MEMBERSHIP, PROCEDURES AND POWERS**

A Board of Zoning Appeals has been created and established for the City. The membership, procedures and powers of the Board of Zoning Appeals are set forth in Chapter 2, Article IV, Division 4, of the Code of Ordinances.

### **902 - MEMBERSHIP OF BOARD OF ZONING APPEALS**

Membership of the Board of Zoning Appeals shall be composed of at least one but not more than two members of the Planning Commission who are not elected or appointed officials of the City of Bristol Tennessee; not more than two persons holding elective or appointed salaried offices of the City Bristol Tennessee; and the remainder selected from citizens at large.

### **903 - 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. The 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 keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.

The board shall take all evidence necessary to justify or explain its actions, and shall keep records of its examinations and any other official actions.

The minutes of its meetings and all other records of the Board of Zoning Appeals shall be immediately filled in the office of the board and shall be a public record.

### **904 - APPEALS: HOW TAKEN**

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved; or by any officer, department, board or bureau of the city affected by any grant or refusal of a building permit or other act or decision of any administrative official based in whole or part upon the provisions of this Zoning Ordinance.

Such appeal, specifying the grounds on which the appeal is made, shall be taken within a reasonable time, as provided by the rules of the board, by filing a notice of appeal with the required fee as established by City Council.

Upon receiving the notice of appeal, the Board shall, within a reasonable time, fix a time for the hearing of the appeal; give public notice thereof; and notify the parties in interest. The board shall decide all appeals within a reasonable time.

Ord. 09-20 Updated 08/09

## 905 - POWERS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers:

1. To hear and decide requests pursuant to Chapter 2, Section 213.A.4; Chapter 2, Section 215.A; and Chapter 7, Section 702.6.
2. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by any administrative official in the carrying out or enforcement of any provision of this Zoning Ordinance.
3. To hear and decide a request for interpretation of the district boundaries of the Zoning Map and for request for special exceptions.
4. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; the strict application of any regulation enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property. The Board may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship. This action may only be taken provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this *Zoning Ordinance*. The Board of Zoning Appeals shall in no case grant a variance which would permit a use of land, building, or structure which is not permitted by this Ordinance in the district in which the property being considered is located.

Ord. 07-26 Updated 10/07  
Ord. 09-20 Updated 08/09



## **CHAPTER 10 SITE PLAN & EROSION CONTROL REQUIREMENTS**

### **SECTION**

- 1001. Development According to Site Plan
- 1002. Site Plan Categories; Required Contents
- 1003. Submittal and Approval
- 1004. Surety for Required Improvements
- 1005. Inspection and Supervision During Installation
- 1006. Time of Validity of Approved Site Plans
- 1007. Modification of Approved Site Plan
- 1008. Site plan Application Fee

### **1001 - DEVELOPMENT ACCORDING TO SITE PLAN**

It shall be unlawful for any person:

1. to construct, erect or alter the exterior of any building or structure, or
2. to develop, change or improve any land, or
3. to alter land use

except in accordance with a site plan which has been submitted and approved in pursuant to this chapter. A site plan shall not be required for property in the Open Space and Reserved (O-S) Zoning District.

Ord. 10-15 Updated 1/11

### **1002 - SITE PLAN CATEGORIES, REQUIRED CONTENTS**

Site plans shall be classified into one of the following categories:

**Plot Plan** -- A plot plan may be submitted when the development proposal involves one or more of the following and the construction disturbs less than one acre of land:

1. a single-family residential dwelling unit or a duplex residential dwelling unit, or
2. an accessory structure or minor building addition which is less than 10% of the existing building footprint, or
3. a change in vehicular access point in an existing development, or
4. an expansion of a parking lot by not more than 5% of the existing square footage.

Plot plans shall be drawn to scale and clearly depict the location of the property lines and the proposed location and the total square footage of the following:

1. The new structure, accessory structure or addition.
2. Change of vehicular access point.
3. Expanded parking area.

A development proposal involving an assembly, educational, institutional or hazardous use as defined by the International Building Code shall be prepared by and contain the signed seal of the appropriate licensed professional registered in the State of Tennessee. The plot plan submitted as part of the building plan application review documents will meet these requirements with no additional submittal.

**Minor Site Plan** -- A minor site plan shall be submitted when the development proposal disturbs a site of less than one acre. A minor site plan shall be drawn to a scale of no greater than 1" = 30' and shall contain sufficient information to demonstrate the site is properly zoned and can meet all applicable zoning and site development regulations. Minor site plans shall be prepared by and contain the signed seal of the appropriate licensed professional registered in the State of Tennessee.

Minor site plans shall contain, but not be limited to, the following:

1. Development name and address.
2. Developer name and contact information.
3. Property owner name and contact information if different than the developer.
4. Name, contact information, seal and signature of the professional preparing the plan.
5. Property boundary with courses and distances.
6. Area and present zoning of tract.
7. Building setbacks, easements and other property restrictions.
8. FEMA flood information including flood zone designation, open floodway, 100-year flood elevation.
9. Existing and proposed buildings, structures and facilities. Building, structure and facility information should include square footage, number of stories, number of dwelling units, entrances/exits, and floor elevations.
10. Existing and proposed site improvements such as sidewalks, curbing, parking areas including number/layout and handicap spaces/aisles, travel aisles, entrances/exits, loading areas, utilities, retaining walls and site signage.
11. Existing and proposed drainage features such as storm sewer systems/structures, sinkholes, ponds, natural and artificial watercourses, channels, streams and other waterbodies.
12. Storm water mitigation plan and associated calculations (when required).
13. Landscaping per city requirements.
14. Lighting plan per city requirements.
15. Erosion and sediment control plan.
16. Refuse collection location.

**Major Site Plan** -- A major site plan shall be submitted when the proposed development will disturb one acre or more. Major site plans shall be drawn to a scale of no greater than 1" = 50'; be prepared and contain the signed seal of the appropriate licensed professional registered in the State of Tennessee; and shall contain sufficient information to demonstrate the site is properly zoned and can meet all applicable site-related regulations inclusive of but not limited to the information required for minor site plans and the following:

1. Erosion and sediment control design per the city's ordinance including the Storm Water Pollution Prevention Plan.
2. Existing and proposed topography within 100-feet of the development with a minimum 2-foot contour interval.
3. Water quality design per the city's ordinance including the required drainage study/calculations.
4. Traffic impact study (when required).

### **1003 - SUBMITTAL AND APPROVAL**

1. A completed minor or major site plan submittal shall consist of the site plan application form, copies as required by the city, an electronic copy of required plan, and the application fee. A pre-submission conference is recommended but not required.

2. A site plan shall be reviewed and processed administratively unless it is submitted as part of a development proposal requiring Planning Commission or Board of Zoning Appeals approval.
3. No building permit will be issued until site plan is approved.

#### **1004 - SURETY FOR REQUIRED IMPROVEMENTS**

Prior to approval of the site plan, the city may require surety for public infrastructure improvements. The surety shall be submitted in a form and in the amount established by the city.

#### **1005 - INSPECTION AND SUPERVISION DURING INSTALLATION**

The city will inspect all construction. One copy of the approved site plan and associated documents shall be kept on-site and made available to the city when requested. The owner or developer shall provide adequate on-site supervision during construction by a person familiar with the approved site plan requirements, city, state and federal regulations, construction methods who shall have the authority to make decision regarding construction of the project.

#### **1006 - TIME OF VALIDITY OF APPROVED SITE PLANS**

Construction or development may begin upon the approval of a site plan and acquisition of construction permits.

An approved site plan shall become null and void if no significant work or development has occurred on the site within twelve (12) months after the site plan is approved. Upon written request, the City Manager may grant an extension not to exceed twelve (12) months.

#### **1007 - MODIFICATION OF APPROVED SITE PLAN**

The City Manager or his designee may approve minor modifications to the site plan provided that:

1. The modifications comply with the Zoning Ordinance; and
2. The modifications are consistent with the original intent of the site plan.

Any deviation from an approved site plan without the prior written approval of the City Manager or his designee shall require the submission of a new site plan, and may result in a termination of all construction activities until the new site plan is approved.

#### **1008 - SITE PLAN APPLICATION FEE**

The application fee for a site plan shall be as fixed from time to time by the City Council.

## **CHAPTER 11 LANDSCAPE AND BUFFERING**

### **Section**

- 1101 Purpose and Intent
- 1102 Definitions
- 1103 Landscape Plan
- 1104 Existing Plantings
- 1105 Prohibited Plantings
- 1106 Preferred Plantings
- 1107 Minimum Standards for Landscape Areas & Materials
- 1108 Residential Standards
- 1109 Commercial Standards
- 1110 Manufacturing Standards
- 1111 Mobile Home Park Standards
- 1112 Buffer Area Requirements & Options
- 1113 Sight Distance Triangle and Easement Encroachments
- 1114 Continued Maintenance Requirements
- 1115 Completion Guarantee
- 1116. Performance Landscaping Regulations

### **1101 - PURPOSE AND INTENT**

The general purpose and intent of this section is to regulate the planting, protection, and maintenance of trees, shrubs, and other landscaping materials in order to:

1. Enhance the City's environmental and visual character for its citizen's and visitor's use and enjoyment.
2. Preserve and improve the area's natural environment.
3. Mitigate the effects of air, water, and noise pollution.
4. Safeguard property values.
5. Help ensure land use compatibility and lessen the impact of high-intensity uses on the community.
6. Provide for the continued maintenance of required landscape areas.

### **1102 - DEFINITIONS**

*See Section 203 for definitions.*

Ord. 11-16 – Updated 9/11

### **1103 - LANDSCAPE PLAN**

A landscape plan shall be included as part of the site plan review process for any development or change of use requiring a site plan as noted in Section 1002 of the *Bristol Tennessee Zoning Ordinance*. At a minimum, the plan shall indicate:

1. The size, location, number and type of species involved in the proposed landscape plan.
1. The distance and spacing of all plant materials to be utilized in the design and specifically indicate all landscaping adjacent to intersections with respect to sight triangles.

2. Indicate all parking spaces, travel lanes and ingress-egress driveways and their dimensions as they relate to the required or proposed landscaping.
4. The zoning associated with the proposed development and the immediately adjacent properties.
5. The types and uses of activities conducted on adjacent properties.
6. The location and description of other landscape improvements, such as earth berms, walls, fences, fountains, pools and screens.

**1104 - EXISTING PLANTINGS**

Existing Plantings will only be accepted as fulfilling the landscaping requirements of this ordinance where they meet the following requirements:

1. They are healthy and meet the size, location and other applicable requirements of the ordinance.
2. They do not and are not likely to interfere with utilities, vision clearance standards, or obscure streetlights.

**1105 - PROHIBITED PLANTINGS**

As noted in other sections of this ordinance, consideration shall always be given to the placement and type of plantings, particularly trees, involved in a landscape design so that such plantings will not interfere with utilities or any traffic control devices. Specifically, it shall be unlawful for any person to plant the following:

1. Within any recorded sewer, water or drainage easement, any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Box Elder, Sliver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.
2. Within any recorded easement for overhead electric or telephone lines any species known to reach a mature height greater than twenty (20) feet.

**1106 - PREFERRED PLANTINGS**

The choice of tree plantings represents a long-term decision impacting the specific property as well as the surrounding properties. It is encouraged that plantings include selections from the Bristol Tree City USA Board Select Tree list and others which is as follows:

**Class A Trees**

**Class B Trees**

Betula Papyrifera  
Paper Birch

Tsuga Caroliniana  
Eastern Hemlock

Cladrastis Lutea  
Yellowwood

Magnolia Virginiana  
Sweet bay Magnolia

Magnolia Grandiflora  
Southern Magnolia

Cercis Canadensis  
Redbud

Picea Pungens  
Colorado Blue Spruce

Liquidambar Styraciflua  
Sweetgum

Acer Rubrum  
Red Maple

### **Other Trees**

Pinus Strobus  
White Pine

Quercus Alba  
White Oak

Quercus palustris  
Pin Oak

Quercus stellata  
Post Oak

Liriodendron tulipifera  
Yellow Poplar

Nyssa sylvatica  
Black Gum

Acer saccharinum  
Silver Maple

Cornus Florida  
Dogwood

Ilex Opaca  
American Holly

Koelreuteria Paniculata  
Golden Raintree

Ilex Aquifolium  
English Holly

Oxydendrum arboreum  
Sourwood

Hamamelis virginiana  
Witch Hazel

Crataegus marshallii  
Parsley Hawthorn

Chionanthus virginicus  
Fringe Tree

Halesia Carolina  
Silverbell

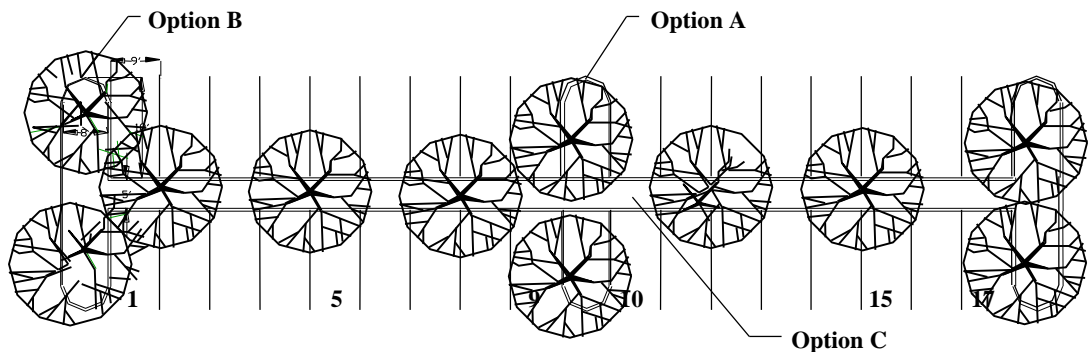
Prunus Americana  
American Plum

### **1107 – MINIMUM STANDARDS FOR LANDSCAPE AREAS & MATERIALS (Plantings, Fencing and Berms)**

1. **Landscape Area** - All Multi-family, Commercial, or Industrial development shall provide for landscaped areas, as provided herein and in **1108, 1109, 1110** and 1111 below and shall be landscaped in accordance with this section:
  - a. Trees and shrubs shall be required. Trees shall be spaced at 30' on center for Class A and 20' on center for Class B trees.
  - b. Shrubs shall be required at the rate of a minimum of six per tree.
  - c. In order to facilitate some design thought, the required number of trees may be planted in alternate designs within the required landscape area along with the required number of shrubs, with approval by the appropriate approving agent. Mass plantings will be permitted, but subject to review and approval.
  
1. **Parking Lot Islands** – Options for parking lot landscaping are listed below:
  - a. For every twelve (12) parking spaces within a parking lot of a Multi-family, Commercial, or Industrial property, one landscaped island shall be furnished.
  - b. All ends of parking rows shall terminate as landscape islands. Additional landscape islands shall be provided so that the landscaped islands are dispersed within the parking area and represent a minimum of 6 percent of the total parking area or 3 percent of the total paved area.
  - c. Landscape medians may be utilized, provided such medians are utilized to separate parking areas from travel lanes and are located to visually separate the parking area

from adjacent properties, and are used to break large expanses of pavement. All such medians shall be a minimum of five (5) feet in width and represent a minimum of 6 percent of the parking area or 3 percent of the total paved area. When medians are used to separate 90 degree parking rows, car stops shall be utilized to prevent vehicle from overhanging the median.

- d. Alternative design for the location of parking islands may be approved. However, such alternative design shall not reduce the required amount of area allocated for parking lot landscaping (6 percent of the parking area or 3 percent of the total paved



area) and the effect of the design is determined to be in accordance with the intent to break up continuous paved areas and provide an attractive landscaped addition to the parking area.

a. *Parking Lot Island and Median Requirements*

1. The perimeter of each island or median shall be curbed with a six (6) inch barrier curb of concrete.
  2. Each island or median shall be landscaped with one Class B tree, spaced every 20'-25' on center, and surfaced with grass, groundcover and/ or mulch.
  3. Each required island shall be a minimum of eight (8) feet wide and sixteen (16) feet long and a maximum of ten (10) feet wide and eighteen (18) feet long.
3. **Deciduous Trees** - Deciduous Trees shall be a minimum of eight (8) feet tall, as measured from grade to peak, at the time of installation. Additionally all trees shall be pruned a minimum distance of five (5) feet from the ground to the first limb. Trees shall be chosen from the Class A and Class B list of tree provided in Section 1106.
  4. **Coniferous Trees** - Coniferous Trees shall be a minimum of five (5) feet tall, as measured from grade to peak, in height at the time of installation.
  5. **Shrubs** - Shrubs shall be a minimum of eighteen (18) inches to two feet in height, from grade to peak, at the time of installation. When used as a screen or hedge, the shrub species installed shall be capable of growing to a height of five or six feet at maturity.

6. **Fences** - If constructed, fences shall be constructed of wood or masonry materials that are compatible with the surrounding development. Wire fencing and unfinished cinder block walls shall not be permitted. Fences shall be a minimum of five feet and a maximum of eight feet in height except as herein provided.
7. **Berms** - Berms may be substituted for either shrubs or fencing as follows:
  - a. Berms substituted for shrubs must be a minimum of three feet in height.
  - b. Berms substituted for fencing must be a minimum of five feet in height.
  - c. The minimum crown width of the berm shall be two feet in height.
  - d. The minimum side slope for berms shall be 2H:1V.
  - e. Berms shall be designed for ease of maintenance and to minimize potential erosion problems.
  - f. Berms must be planted in grass or other suitable ground cover and meet all other requirements for Landscape Area, i.e. trees, number of plantings or size requirements.
8. **Refuse Storage Areas**- All refuse storage areas shall be contained in an area that is fenced with opaque materials or landscaped from view of surrounding properties and the street. Refuse storage areas that are viewable from a public street shall either be blocked from view by a fence constructed by wood or masonry materials, or comparable composite or man-made materials that simulate wood or masonry materials that are compatible with the surrounding development or landscaped.

When landscaping is used as the method of concealment of the refuse containers, the landscaping shall include shrubs of a height and density to hide the refuse receptacles at the time of planting.

9. **Uneven Terrain** – Buffering per this ordinance may not be required where topography on the subject property, or property immediately adjacent to the subject property, provides for natural buffering or otherwise makes buffering requirements nonfunctional.
10. **Utilization of Landscape Areas** - Required landscape areas shall not be used for any purposes except as specified above. Walks and driveways may be permitted for ingress/egress directly to the premises, Rights-of-Ways for utilities and drainage systems are permitted but the Rights-of-Way areas, shall be developed and maintained as landscaped area. The purpose of the above referenced walks and driveways are to allow for normal pedestrian movement and vehicular access and shall not be utilized to abrogate the intent of providing landscaped areas.
11. **Vehicular Sight Distances** - Landscape areas, plantings, berms buffering and fencing shall not be located and installed in a manner that will interfere with required vehicular site distances.
12. **Alternative Methods for Compliance** – In cases where a strict interpretation of the requirements of this ordinance may by reason of topographical conditions, practical difficulties, or undue hardship: the developer may present an alternative method of compliance. In all cases, such alternative means of complying with the provisions of this ordinance shall only be permitted if they remain true to the intent of the landscape ordinance. The Planning Department would evaluate the petitioner's request for alternative compliance based upon whether one or more of the following conditions clearly would apply:
  - a. The development has obvious space limitations or is on an unusually shaped parcel;
  - b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible, or impractical;
  - c. Due to a change of use of an existing site, the required buffer area is larger than can be provided;
  - d. Obvious safety considerations are involved, ex. Obstruction of vehicular sight lines;



- e. An alternative plan, as demonstrated by a landscape designer, would clearly improve the environmental quality, traffic safety, and the overall aesthetics of the City to an extent equal to or greater than would be possible by complying with the provisions of this ordinance.

The front yard landscape area requirements in Sections 1108, 1109 1110 and 1111 of this Ordinance may be allowed to match the landscaping of adjacent lots where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot is less than the minimum required front yard landscape area and this reduced landscaping area is necessary to provide for the reasonable usage of the lot. In such cases, the required front yard landscape area on such lot may be less than the required front yard landscape area, but not less than the average of the existing front yard landscape area on adjacent developed lots but in no case shall the landscape area be less than five feet. Additionally the balance of the required front yard landscape area shall be placed elsewhere on the lot so that it is visible from the public right-of-way. In no case shall required landscaping and parking be reduced to increase the size of any structure proposed for the lot or parcel.

In all cases, if the Planning Department permits an alternate means of compliance, such compliance shall approximate the requirements of this ordinance to the fullest extent possible.

Should the Planning Department not approve the landscape plan, the developer may go before the Planning Commission for approval and the Planning Commission would have final approval authority of the landscape plan.

**1108 – RESIDENTIAL STANDARDS**

- 1. **Single Family and Duplex Zones** - With the exception of residential Cluster Developments (RCD) and other uses requiring a Special Use Permit (SUP), developments in zones R-M, R-1A, R-1B, and R-2 are exempt from the landscape area requirements.
- 2. **Multifamily Zones** - Multifamily zones, R-2, R-3, R-4, and R-5 shall meet the requirements of Section 1107- **Minimum Standards for Landscape Areas & Materials**, and as set forth below:

Front yard	10 feet
Side yard	5 feet
Rear yard	5 feet

Provided however, when appropriate, the provisions of Section 1112 shall apply.

Ord. 17-7 – Updated 1/18

**1109 – COMMERCIAL STANDARDS**

- 1. **Commercial Zones** - Developments within the B-1A, B-1B, and B-3 zones are required to meet the landscape regulations in Section 1107- **Minimum Standards for Landscape Areas & Materials**, and as set forth below:

Front yard	10 feet
Side yard	5 feet
Rear yard	5 feet

Provided however, when appropriate, the provisions of Section 1112 shall apply.

2. Those developments located in the B-2 and B-2E zones are exempt from meeting the landscape requirements except for the provisions of Section 1107.2, Parking Lot Standards, provided however, when appropriate, the provisions of Section 1112 shall apply.

#### **1110 – MANUFACTURING STANDARDS**

1. **Manufacturing Zones** - Developments within the M-1, M-2 and the M-3 zones are required to meet the landscape regulations in Section 1107 - **Minimum Standards for Landscape Areas & Materials**, and as set forth below:

Front yard	10 feet
Side yard	5 feet
Rear yard	5 feet

Provided however, when appropriate, the provisions of Section 1112 shall apply.

#### **1111 – MOBILE HOME PARK STANDARDS**

1. **Mobile Home Park Zones** - Developments within the MH zones are required to meet the landscape regulations in Section 1107- **Minimum Standards for Landscape Areas & Materials**, and as set forth below:

Front yard	10 feet
Side yard	5 feet
Rear yard	5 feet

Provided however, when appropriate, the provisions of Section 1112 shall apply.

#### **1112 – BUFFER AREA REQUIREMENTS & OPTIONS**

The location of intense residential uses, commercial uses and industrial uses adjacent to single family and other low-density uses, negatively affect the desirability and consequently the value of the low-density residential properties. Similar problems can exist between commercial and industrial uses. Buffer Areas can modify and minimize these impacts. The purpose of this section is to assure that protection is afforded adjacent lower density property users.

Certain uses will have higher impacts on adjacent properties than other uses. For the purposes of this section, impact classifications and use areas shall designate the required buffer areas. Furthermore the developer shall be responsible for installing and the property owner for maintaining the buffer area.

1. Impact Classifications
  - a. Definitions:
    - No Impact: Abutting uses which have little or no impact on each other.
    - Low Impact: Abutting uses which have a low impact to each other and require a minimal amount of buffer area.
    - Medium Impact: Abutting uses which have a medium or moderate impact on each other and require a moderate amount of buffer area.

- High Impact: Abutting uses which have a high or extreme impact on each other and require a heavy amount of buffer area.

The Buffer Area will be required as per the following table.

	No Impact	Low Impact	Medium Impact	Heavy Impact
No Impact		<b>A</b>	<b>B</b>	<b>C</b>
Low Impact	<b>A</b>		<b>B</b>	<b>C</b>
Medium Impact	<b>C</b>	<b>B</b>		<b>A</b>
Heavy Impact	<b>C</b>	<b>B</b>	<b>A</b>	

**A,B,C, indicates Buffer Area Type Required.**

b. Use Areas

- No impact uses are any uses permitted in the R-M, R-1A, and R-1B zoning districts.
- Low impact uses are any uses permitted in the R-2, R-3, R-4, and R-5 districts.
- Medium impact uses are any uses permitted in the MH, and B-1A, B-1B, B-2, B-2E, and B-3 zoning districts.
- Heavy impact uses are any use permitted in the M-1 and M-2 zoning districts.

2. Buffer Area Types

In order to allow some flexibility in the Buffer Area design and construction, the Buffer Area Types will allow several different options for each Type.

Berms may be substituted for fencing as follows:

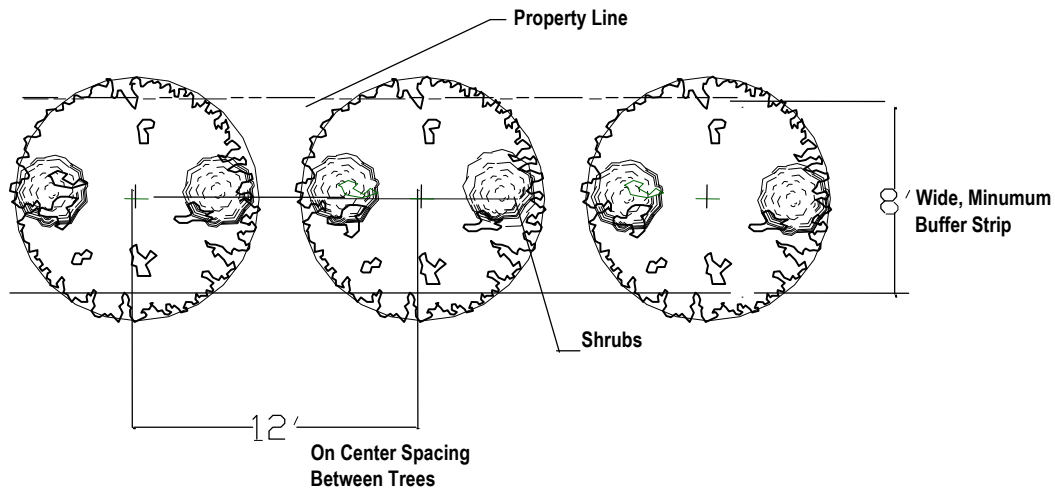
- berms must be a minimum of five (5) feet high.
- the minimum crown width of the berm shall be two (2) feet.
- the maximum side slope of the berm shall be 2H:IV.
- berms shall be designed for ease of maintenance and to minimize potential erosion problems.
- berms must be planted in grass or other suitable ground cover and be compatible with the required level of buffering they are replacing.

Note: When Berms are utilized in buffer areas but are not intended to substitute for fencing, no minimum height has been established.

Ord. 17-6 – Updated 1/18  
Ord. 17-7 – Updated 1/18

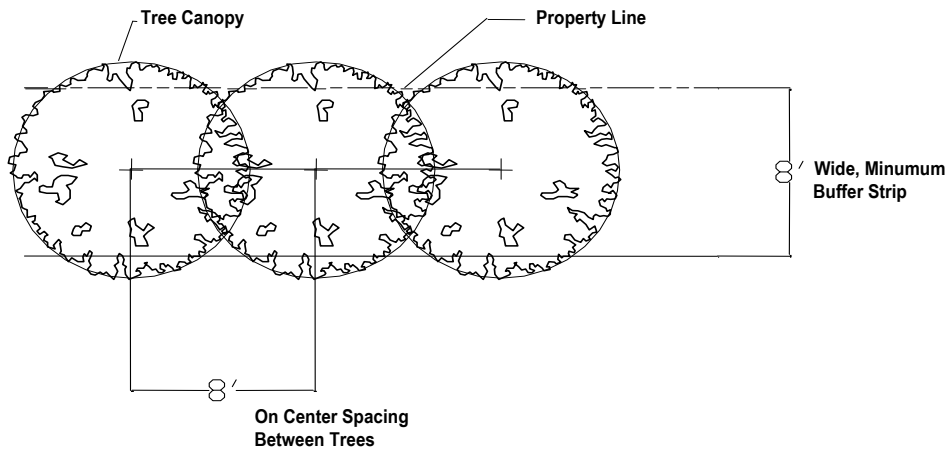
**Buffer Area Type A**

Option 1: A minimum buffer strip of eight (8) feet in width with one (1) row, of evergreen trees or other acceptable buffer species spaced no greater than eight (8) feet on center. Species requiring different spacing standards may be approved, provided adequate documentation is submitted to justify a variation.



Buffer Type A  
Option 1 Graphic

Option 2: A minimum buffer strip of eight (8) feet in width with one (1) row of evergreen trees or acceptable buffer species spaced no greater than twelve (12) feet on center and a minimum of two (2) evergreen shrubs per tree are provided.



Buffer Type A  
Option 2 Graphic

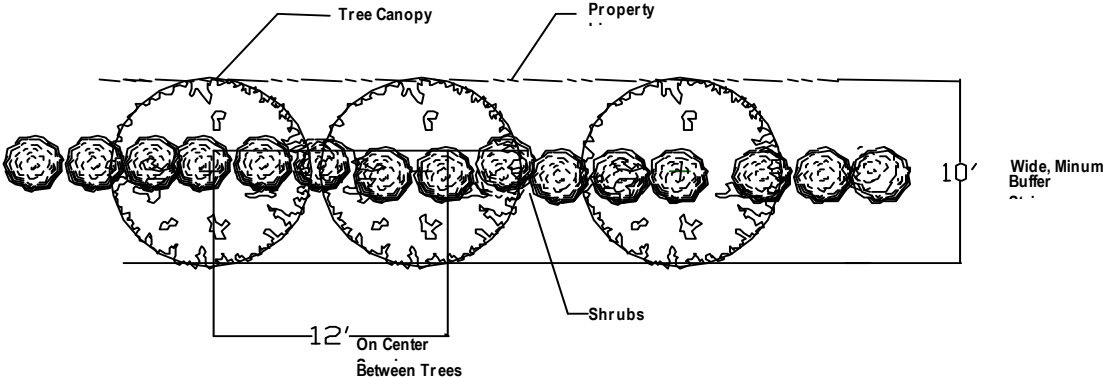
Option 3: A

solid-barrier masonry wall or wooden fence or equivalent at least six (6) feet in height. The buffer strip shall be no less than five (5) feet in width.

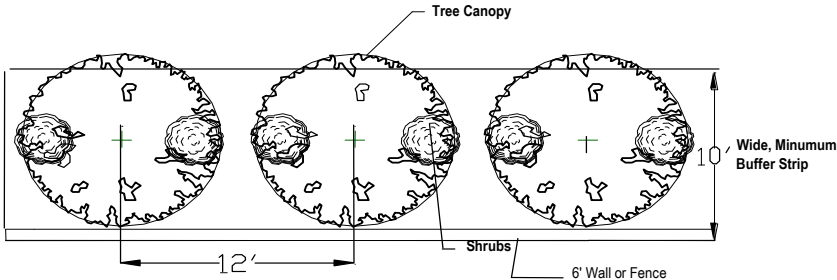
**Buffer Area Type B**

Option 1: A minimum buffer strip of ten (10) feet in width with a row of coniferous trees no greater than twelve (12) feet on center and with no less than six (6) evergreen shrubs per tree.

Buffer Area Type B  
Option 1 Graphic

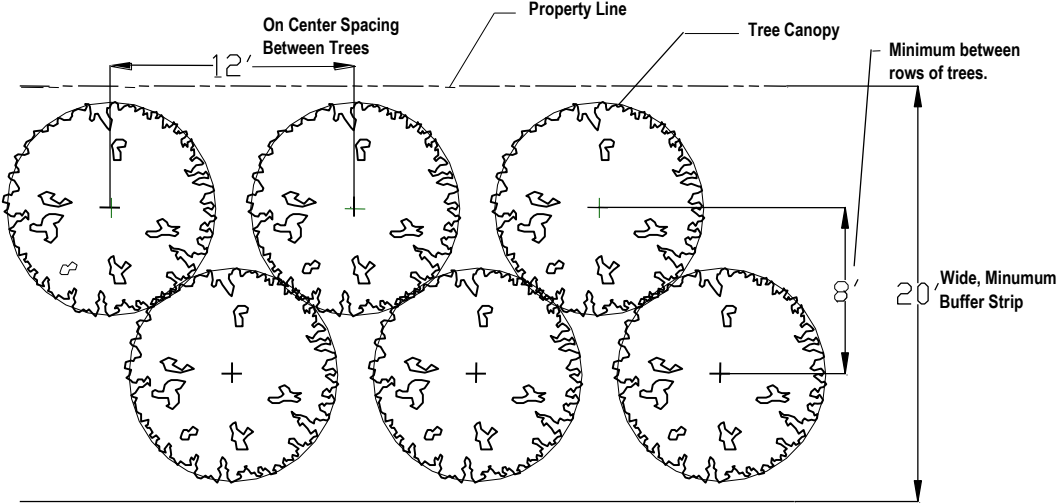


Option 2: A solid-barrier masonry wall or wooden fence or equivalent at least six (6) feet in height with a row of trees no greater than twelve (12) feet on center. If the trees are placed between the fence and the adjacent property, then a minimum of two (2) shrubs per tree must also be planted. The buffer strip shall be a minimum of ten (10) feet in width.



Buffer Area Type B  
Option 2 Graphic

Option 3: A minimum buffer strip of twenty (20) feet in width with a double row of

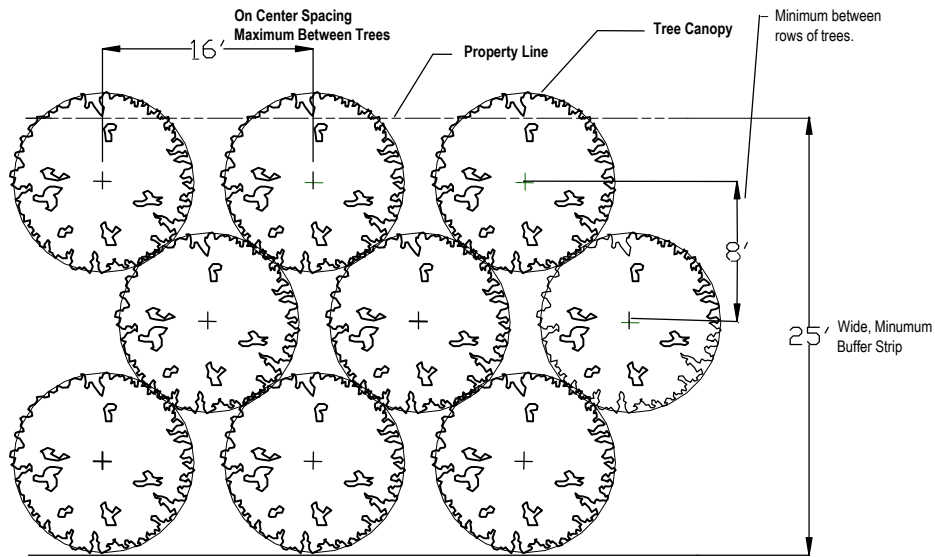


buffer trees, with a minimum row separation of eight (8) feet, planted a maximum of twelve (12) feet on center. Tree placement on alternate rows should be staggered.

Buffer Area Type B  
Option 3 Graphic

**Buffer Area Type C**

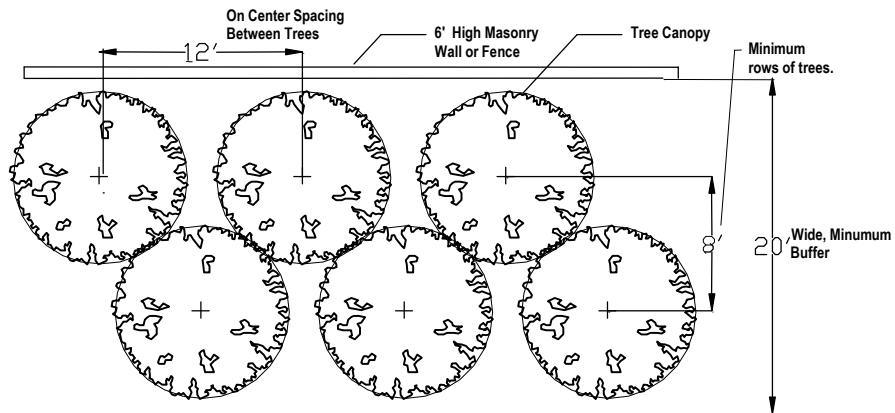
Option 1: A minimum buffer strip of twenty-five (25) feet in width with no less than three rows of buffer trees with a minimum row separation of eight (8) feet and spaced no more than sixteen (16) feet on center.



Buffer Area Type C  
Option 1 Graphic

Option 2: A solid barrier masonry wall or wooden fence or equivalent at least six (6) feet in height with two (2) rows of trees with a row separation of no more than eight (8) feet and spaced no less than twelve (12) feet on center. The buffer strip shall be a minimum of twenty (20) feet.

Buffer Area Type C  
Option 2 Graphic



1113

**SIGHT DISTANCE TRIANGLE AND EASEMENT ENCROACHMENTS**

Sight Distance Triangles shall be provided and maintained in all developments requiring landscaping and buffering. All required easements shall be maintained free from obstructions caused by plant growth in a manner to ensure ease of access and elimination of interference with electric or other utility lines.

#### **1114 - CONTINUED MAINTENANCE REQUIREMENTS**

Upon completion of all site preparations and required plantings, the property owners shall remain responsible for maintaining plantings in a healthy and orderly manner. Specifically, this shall mean that

1. All plant growth in landscaped areas must be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access or otherwise constitute a traffic hazard.
2. All planted areas shall be maintained in a relatively weed-free condition and clear of undergrowth.
2. All plantings shall be fertilized and irrigated at intervals as are necessary to promote optimum growth.
4. All trees, shrubs, groundcovers, and other plant materials shall be replaced if they die or become unhealthy because of accidents, drainage problems, disease, or other causes. The developer shall place a maintenance bond equal to one hundred and ten percent (110%) of the projected cost of the landscaping from the approved landscape plan with the City for a period of not less than one (1) year. Additionally a two (2) year bond shall be placed with the City by the developer for the buffer area plant materials if so required by the approved plan. The bond shall be placed with the City after all landscaping has been satisfactorily completed and prior to the issuance of a Certificate of Occupancy. Over the one-year period, if landscaping has died and not been removed and replaced, the City shall retain the right to cash the bond after written notification to the developer. Should the developer not replace the dead plant materials, the City would utilize the funds from the bond and have the plant materials replaced. Any remaining funds after the one-year period had lapsed would be returned to the developer.

Failure to meet the provisions of this section shall be turned over to the Codes Department for compliance.

#### **1115 - COMPLETION GUARANTEE**

In order to ensure the acceptable completion of required landscaping, the Codes Enforcement Officer shall withhold a Certificate of Occupancy until the required plantings are installed per the approved landscape plans except as provided herein. If a Certificate of Occupancy is desired and it is not an appropriate time of year for planting, a contract and confirmation of payment shall be provided, demonstrating that plantings and landscaping shall be completed within six (6) months in accordance with the approved landscape plan. Failure to complete the landscape plan within the six (6) months shall result in revocation of the Certificate of Occupancy.

#### **1116 – Performance Based Landscaping Regulations**

In lieu of complying with Sections 1101 – 1115 of this chapter, a performance based landscaping plan may alternatively be approved in accordance with Chapter 11A.

Ord. 11-6 Updated 3/11



## **CHAPTER 11A**

### **PERFORMANCE BASED LANDSCAPING REGULATIONS**

- 1101A Intent
- 1102A Submittal Requirements
- 1103A Performance Criteria
- 1104A Preferred Materials
- 1105A Prohibited Locations and Landscaping
- 1106A Completion
- 1107A Maintenance
- 1108A Modifications

#### **1101A. Intent**

It is the intent of this chapter to provide a flexible, site-specific approach to provide landscaping that recognizes the unique nature of each development site. The general purpose of the chapter is to provide an alternative to the prescribed landscape regulations in Chapter 11 to visually enhance the City's appearance by way of natural and new vegetation, the reduction of erosion and stormwater runoff, the retention of natural vegetation, and the buffering of incompatible land uses. "Landscaping" shall be defined as the treatment of the ground surface with live planting materials or the retention of significant existing vegetation, including but not limited to trees, shrubs, grass, ground cover or other growing horticultural material. Other materials such as mulch, wood chips, stone, or decorative rock may also be utilized. Fencing is also an acceptable technique to buffer incompatible land uses.

#### **1102A. Submittal Requirements**

A performance based landscaping plan shall be submitted at the time of submittal of a site plan in a form as required by the City Manager. The landscape plan shall include the following information:

- (a) Common name of the planting materials to be used in the project;
- (b) Typical planting details;
- (c) Location of all planting areas and relationship to buildings, parking areas and driveways;
- (d) Identification and location of existing vegetation to be retained; and
- (e) Identification and location of non-living landscaping materials and fencing, if any, to be used.

#### **1103A. Performance Criteria**

1. Objectives for Performance Based Landscaping Plan. An effective landscaping plan shall utilize a variety of techniques for achieving the intent and purpose of this chapter. Property perimeter, building perimeter, and parking lot landscaping should be included as components of the overall landscaping plan.

- (a) Property Perimeter Landscaping. Property perimeter landscaping involves the land areas adjacent to lot lines or lease lines along the property boundary. Property perimeter landscaping serves to separate and minimize the impact between adjacent land uses where such landscaping is deemed necessary. This area must be of a sufficient width to accommodate landscape material at maturity; must provide appropriate lines of sight for driveways, roadways and intersections; and must provide unobstructed passage of pedestrians. There must be a minimum of one (1) new tree planted for each fifty (50) feet of street frontage. Lots fronting on two or more public or private streets shall have the total of all of the street frontage summed to determine the minimum number of trees. These trees may be grouped as appropriate to achieve the intended site design.

(b) Building Perimeter Landscaping. Building perimeter landscaping involves the area of the property adjacent to the building. Building perimeter landscaping is desirable to accent or complement buildings. The building perimeter landscaping area must be wide enough to extend beyond the front building overhang by a width sufficient to accommodate landscape material at maturity.

(c) Parking Lot Landscaping. Parking lot landscaping involves the land area adjacent to or within all parking lots and associated access drives. Parking lot landscaping serves to provide visual relief between vehicle parking areas and the remainder of the development. Parking lot landscaping must be of a sufficient width and area to accommodate landscape material at maturity. There shall be a minimum of one (1) new tree planted in the area adjacent to or within parking lots and associated access drives for each 5,000 square feet of pavement. The use of shade trees in parking areas is encouraged. If parking areas are not curbed, wheel stops or other acceptable border treatment must be installed to minimize vehicle encroachment into the landscape area. The landscape materials may be grouped as appropriate to achieve the intended site design.

2. Required Landscaping. A minimum of five percent (5%) of the land area within a project area must be landscaped.
3. Retention of Existing Mature trees. Retention of existing mature trees is encouraged and may be used to satisfy a limited portion of the required landscape area. When trees are being retained they must be properly protected during construction to ensure their survival.
4. Review. The City Manager may reconsider plans for amendments after they have been approved if problems arise in carrying out the landscaping plan as originally approved.

**1104A. Preferred Materials.**

Use of native species that are appropriate for an urban environment is encouraged. Use of non-native invasive plants as specified by the U.S. Department of Agriculture is prohibited. The city may be consulted for clarification on acceptable species..

**1105A. Prohibited Locations and Landscaping.**

- (1) Within any recorded water, sewer, or drainage easement, no species of any tree prone to clogging water mains or sewer lines may be planted, including but not limited to Poplar, Box Elder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.
- (2) Within any recorded easement for overhead electric or telecommunication lines, no species of any tree known to reach a mature height greater than twenty (20) feet may be planted.

**1106A. Completion**

All required landscaping as presented in the approved performance based landscaping plan shall be installed prior to the issuance of the certificate of occupancy. In the event that the landscaping has not been completed upon request for the certificate of occupancy, a Temporary Certificate of Occupancy may be issued for a period not to exceed nine (9) months upon the filing of a 100% landscaping performance bond or other surety in a form and type acceptable to the City Manager.

**1107A. Maintenance**

The approved performance based landscaping plan shall be maintained, and live planting materials replaced, in accordance with the performance criteria to perpetually satisfy the intent of this chapter.

**1108A. Modifications**

Whenever there are practical difficulties in carrying out the provisions of this chapter, the City Manager may grant minor modifications for individual cases, provided that a finding is made that a special individual reason makes the strict letter of this chapter impractical and that the modification is in conformity with the intent and purposes of this chapter.

Ord. 09-01 - Chapter Added 2/09

## CHAPTER 12 AMENDMENT AND LEGAL STATUS PROVISIONS

- 1201 Amendments
- 1202 Legal Status Provisions

### 1201 - AMENDMENTS

This Zoning Ordinance, including the Zoning Map, may be amended by the City Council from time to time as provided by law.

Any person may request a zoning map or text amendment by filing an application accompanied by a fee in an amount to be fixed by the City Council from time to time.

Ord. 08-04 Updated 3/08

### 1202 - LEGAL STATUS PROVISIONS

1. *Conflict with Other Ordinances.*  
Whenever the regulations contained in this Ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other Ordinance or statute, the provisions of this Ordinance shall govern. Whenever the provisions of any other Ordinance, covenant, or statute require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by this Ordinance, the provisions of such other Ordinance, covenant, or statute shall govern.
2. *Validity.*  
Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
3. *Repeal of Conflicting Ordinances.*  
The Zoning Ordinance of the City of Bristol Tennessee as adopted on final reading on June 1, 1943, and all subsequent amendments thereto are hereby repealed, as of the effective date of this ordinance (April 4, 1986).

**AN ORDINANCE** Adopting Standards for the Control of Erosion and Sediment and Prescribing a Penalty for the Violation Thereof

**WHEREAS**, the city council desires to adopt standards for the control of erosion and sediment in the City of Bristol.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL TENNESSEE AS FOLLOWS:

**SECTION I. Purposes:** The purposes of this ordinance are as follows:

- a. To protect, maintain, and enhance the environment of the City of Bristol and the public health, safety and general welfare of the citizens of the city, by preventing the discharge of sediment and construction related waste into the city's storm water system; and
- b. To maintain and improve the quality of the receiving waters into which storm water runoff flows, including streams, rivers, lakes, ponds, and wetlands.

**SECTION II. Definitions:** As used in this ordinance:

- a. ***Best management practices (BMP)*** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. This term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.
- b. ***City*** means the City of Bristol Tennessee.
- c. ***City manager*** means the city manager of the city or his designee, who is responsible for the approval of development and redevelopment plans, grading permits, and the implementation of this ordinance.
- d. ***Clearing*** means the removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities or a wide area land disturbance in anticipation of non-construction activities such as the clearing of forested land for conversion to pasture for wildlife management purposes. This term does not include the clearing of vegetation along roadways, highways or power lines for site distance or other maintenance or safety concerns, or cold planing, milling, or removal of concrete or bituminous asphalt roadway pavement surfaces.
- e. ***Commencement of construction*** or ***commencement of land disturbing activities*** means the initial disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

f. **Construction** means any installation, building, placement or assembly of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

g. **Construction related waste** means refuse or unused materials that result from construction activities. Construction related waste can include, but not limited to, unused building and landscaping materials, chemicals, litter, sanitary waste, and concrete truck washout.

h. **Development** means any man-made change to improved or unimproved property including, but not limited to, the construction of buildings or other structures, clearing, dredging, drilling operations, filling, grading, paving, excavation, or storage of equipment or materials.

i. **Erosion** means the removal of soil particles by the action of water, wind, ice or other agents, whether naturally occurring or acting in conjunction with or promoted by man-made activities or effects.

j. **Erosion and sediment control plan** means a written plan, including drawings or other graphic representations, that is designed to eliminate or reduce erosion and off-site sedimentation from a site during construction activities.

k. **Filling** means any deposition or stock-piling of dirt, rock, stumps, or other natural or man-made solid waste material.

l. **Final stabilization** means when all soil disturbing activities at the site have been completed, and a perennial vegetative cover sufficient to prevent erosion has been well established on all unpaved areas, or equivalent permanent stabilization measures have been employed.

m. **Grading** means any excavation, filling (including fill placed in watercourses), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

n. **Grading permit** means a permit issued by the city authorizing the commencement of land disturbing activities.

o. **High quality waters** means surface waters of the State of Tennessee that are identified by TDEC as "high quality waters."

p. **Land disturbing activity** means any activity on a property that results in a change in the existing soil cover, whether vegetative or non-vegetative, or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, land transporting, and excavation.

q. **Municipal separate storm sewer system (MS4)** means a conveyance or system of conveyances, including roads with drainage systems, streets, roads, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which are:

1. Owned or operated by a state, county, city, town, district, association, or other public body created by or pursuant to state law having jurisdiction over the disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the federal Clean Water Act that discharges to waters of the state;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW) as defined by 40 C.F.R. §122.2, as amended from time to time.

r. **Owner or operator** means any person or entity associated with a construction project that meets either of the following two criteria:

1. The person or entity has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, typically be the owner or developer; or
2. The person or entity has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions, e.g., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan (SWPPP) or comply with other permit conditions. This would typically include the general contractor and erosion control contractors.

s. **Plan** means an erosion and sediment control plan, or a small lot erosion and sediment control plan.

t. **Priority construction activity** means construction activities that discharge directly into or immediately upstream from waters the state recognizes as impaired for siltation or those waters designated as high quality waters. A property is considered to have a direct discharge if storm water runoff from the property does not cross any other property before entering the water of the state.

u. **Section 404 permit** means a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Clean Water Act.

v. **Sediment** means solid material, either mineral or organic, that is in suspension, being transported, or has been moved from its site of origin by erosion.

w. **Small lot erosion and sediment control plan** means a plan that is designed to eliminate or reduce erosion and off-site sedimentation from a site during construction activities, applicable to development and redevelopment sites that disturb less than one acre and are not part of a larger plan of development.

x. *State* means the State of Tennessee or, where the context indicates, any state of the United States.

y. *Storm water pollution prevention plan (SWPPP)* means a document describing how an owner or operator intends to provide storm water management during land disturbing or construction activities.

z. *Subdivision* means the division, subdivision, or resubdivision of any lot or parcel of land as defined in the Subdivision Regulations of the city.

aa. *Tennessee Erosion & Sediment Control Handbook* or *handbook* means the handbook bearing such title, as amended from time to time, published by the Division of Water Pollution Control of TDEC.

bb. *Tennessee General Permit* means State of Tennessee General Permit No. TNR10-0000 Storm Water Discharges from Construction Activities.

cc. *TDEC* means the Department of Conservation and Environment of the State of Tennessee.

dd. *Transporting* means any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

ee. *Waters* or *waters of the state* means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

### **SECTION III. General Requirements:**

#### **3.1. Applicability**

a. All land disturbing or construction activities that cause off-site sedimentation or sediment discharges to waters of the state shall be in violation of this ordinance.

b. No owner or operator of any property within the city shall commence land-disturbing activities unless an erosion and sediment control plan is submitted to and approved by the city manager.

c. For construction resulting in less than one acre of disturbed area a small lot erosion and sediment control plan shall be submitted to and approved by the city manager prior to commencement of any land disturbing activity. Notwithstanding the foregoing, such a plan shall not be required for the construction of a single family residence on property which is part of a larger common plan of development for which an erosion and sediment control plan has been approved.



d. The issuance of a grading permit shall be conditioned upon the approval of the erosion and sediment control plan by the city manager. The city shall serve as the plan approval agency only, and in no instance are its regulations to be construed as designing erosion and sediment control or other storm water systems.

e. No building permit shall be issued until the owner or operator has obtained a grading permit and is in compliance with the grading permit, where the same is required by this ordinance.

f. All land disturbing activities shall employ adequate erosion and sediment control best management practices.

### **3.2. Exemptions from Plans Submittal**

a. The following activities shall not require submittal and approval of an erosion and sediment control plan, or small lot erosion and sediment control plan:

1. Minor land disturbing activities such as home gardens and individual home landscaping, repairs or maintenance work;
2. Additions or modifications to existing, individual, single family structures;
3. Emergency work to protect life, limb or property, and emergency repairs, provided that the land area disturbed shall be shaped and stabilized in accordance with the requirements of this ordinance;
4. Existing nursery and agricultural operations conducted as a permitted main or accessory use; and
5. State and federal projects subject to the submission requirements of TDEC.

b. All other provisions of this ordinance shall apply to the exemptions noted in 3.2.a above.

## **SECTION IV. Erosion and Sediment Control Design Standards:**

### **4.1. Adoption of Standards**

a. The city adopts as its erosion and sediment control design standards and best management practices manual the *Tennessee Erosion & Sediment Control Handbook*. This handbook is incorporated by reference into this ordinance. This handbook includes a list of acceptable BMPs, including the specific design performance criteria and operation and maintenance requirements for each BMP.

b. The design, operation and maintenance criteria presented in the handbook may be updated and expanded upon, at the discretion of the city manager, based on improvements in engineering, science, monitoring, and local maintenance experience.

c. Erosion and sediment control BMPs that are designed, constructed and maintained in accordance with the BMP criteria presented in the handbook shall be presumed to meet the minimum water quality performance standards required by the city.

#### **4.2. General Criteria and Requirements**

The following standards, as set forth in the *Tennessee General Permit*, and the *Tennessee Erosion & Sediment Control Handbook*, are adopted.

- a. Erosion and sediment controls shall be designed to retain sediment on-site.
- b. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicate a control has been used inappropriately, or incorrectly, the owner or operator must replace or modify the control for site situations.
- c. 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 50%.
- d. Construction related waste, litter, construction debris, and construction chemicals exposed to storm water shall be removed, covered or properly stored prior to anticipated storm events, or otherwise prevented from becoming a pollutant source for storm water discharges. After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- e. Offsite material storage areas, including overburden and stockpiles of dirt and other materials, used solely by the permitted project are considered part of the project and shall be addressed in the plan.
- f. Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than 20 calendar days prior to grading or earth moving unless the area is seeded or mulched or other temporary cover is installed.
- g. Clearing and grubbing must be held to the minimum necessary for grading and construction equipment.
- h. Construction must be sequenced to minimize the exposure time for graded or denuded areas.
- i. Construction must be phased for projects in which more than 50 acres of soil will be disturbed. Areas of the completed phase must be stabilized within 21 days after another phase has been initiated.

j. Erosion and sediment control measures must be in place and functional before commencement of land disturbing activities, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day or prior to a rain event, whichever is sooner.

k. The following records shall be maintained on site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

l. The city manager has the discretion to require BMPs that conform to a higher than minimum standard for priority construction activities, for high quality waters, or where deemed necessary.

#### **4.3. Stabilization Practices**

The plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Plans should ensure that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

a. Stabilization measures shall be initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased, except in the following two situations:

1. Where the initiation of stabilization measures by the seventh day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

2. Where construction activity on a portion of the site is temporarily closed, and land disturbing activities will be resumed within 15 days, temporary stabilization measures do not have to be initiated on that portion of the site.

b. Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other land disturbing activity. Permanent stabilization with perennial vegetation, using native herbaceous and woody plants where practicable, or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.

#### **4.4. Structural Practices**

The plan shall include a description of structural best management practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such best management practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope

drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by section 404 permit or Tennessee Aquatic Resource Alteration Permit.

a. Erosion and sediment control best management practices shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment. In addition, best management practices shall be designed to control the rainfall and runoff from a 2-year, 24-hour storm, as a minimum.

b. When temporary or permanent sediment basins are used to control sedimentation at a site, the basin must provide storage for a calculated volume of runoff from a 2-year, 24-hour storm and runoff coefficient from each disturbed acre drained until final stabilization of the site. Where no such calculation has been performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measure, shall be provided until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

c. Discharges from sediment basins and traps must be through a pipe, or through a channel lined with rip rap or other stabilized spillway, so that the discharge does not cause erosion.

d. Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered prior to its discharge into surface waters. Water must be discharged onto a stabilized outlet point so that the discharge does not cause erosion and sedimentation.

#### **4.5. Other Requirements**

a. No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a section 404 permit or Tennessee Aquatic Resource Alteration Permit.

b. Off-site vehicle tracking of sediments is prohibited.

c. Dust generation shall be minimized.

d. For installation of any waste disposal systems on site, or sanitary sewer or septic system, the plan shall provide for the necessary sediment controls. Owners and operators shall comply with all applicable state or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent that these are located within the permitted area.

## **SECTION V. Erosion and Sediment Control Plans:**

### **5.1. Requirements**

- a. The erosion and sediment control plan shall present in detail the best management practices that will be employed to reduce erosion and control sedimentation.
- b. The plan shall be sealed by a registered professional licensed to practice storm water management design in the State of Tennessee.
- c. Best management practices presented in the plan shall conform to the requirements found in the *Tennessee Erosion & Sediment Control Handbook*, and shall meet or exceed the requirements of the *Tennessee General Permit*.
- d. The plan shall include measures to protect legally protected state or federally listed threatened or endangered aquatic fauna or critical habitat (if applicable).
- e. The plan submitted shall be subject to any additional requirements set forth in the city's Subdivision Regulations, Planning and Zoning Ordinance, or other city regulations.
- f. Construction of the site in accordance with the approved plan must commence within one year from the issue date of the grading permit, or the grading permit will become null and void and the plan must be resubmitted for approval.

### **5.2. Plan Contents**

Erosion and sediment control plans shall include a fully engineered erosion and sediment control plan containing such information as may be required by the city manager consistent with this ordinance.

### **5.3. Small Lot Erosion and Sediment Control Plan Contents**

- a. Land disturbing activities that affect less than one acre and are not part of a larger common plan of development with an approved plan shall submit and obtain approval of a small lot erosion and sediment control plan prior to obtaining a building permit.
- b. The plan shall include such information as may be required by the city manager consistent with this ordinance.
- c. The city manager has the discretion to require a fully engineered erosion and sediment control plan.

## **SECTION VI. Compliance:**

### **6.1. Conformity to Approved Plan**

- a. The approved erosion and sediment control plan, shall be followed during the entire duration of construction at the site.
- b. The city manager may require reports or records from the permittee or person responsible for carrying out the plan to insure compliance.
- c. No land disturbing activity shall be commenced without prior plan approval by the city manager.

### **6.2. Amendments to Approved Plan**

- a. The owner or operator shall amend the plan for any of the following conditions:
  1. Whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the municipal separate storm sewer system and which has not otherwise been addressed in the plan;
  2. Whenever inspections or investigations by site operators or local officials indicate the plan is proving ineffective in eliminating or significantly minimizing erosion or off-site sedimentation or discharge of other construction related wastes, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity;
  3. To identify any new contractor or subcontractor that will implement a measure of the plan;
  4. To include measures necessary to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna.
- b. The amended plan shall be submitted for approval by the city manager.

### **6.3. Maintenance**

- a. Maintenance and inspections of the best management practices shall be implemented in the manner specified by the by *Tennessee Erosion & Sediment Control Handbook*, as amended by qualified personnel that are provided by the owner or operator of the land disturbing activity.
- b. The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the owner or operator to achieve compliance with this ordinance. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by an owner or operator only when necessary to achieve compliance with the conditions of this ordinance.

c. Any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than seven days after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

d. If sediment escapes the permitted property, off-site accumulations of sediment that have not reached a stream shall be removed promptly so as to minimize offsite impacts. For example, fugitive sediment that has escaped the construction site and has collected in the street shall be removed so that it is not subsequently washed into storm sewers and streams by the next rain and so that it does pose a safety hazard to users of public streets. Removal of fugitive sediments will be done by the owner or operator at the his expense. Nothing in this ordinance shall be construed as authorizing remediation or restoration of a stream without consultation with TDEC, or as authorizing access by the owner or operator to other private property.

#### **6.4 Inspections by the City**

a. The city manager shall have the right to enter onto private property for the purposes of conducting unrestricted periodic inspections of all land disturbing activities to verify compliance with the approved plan or to determine whether such a plan is necessary.

b. The city manager shall have the right to enter onto private property for the purposes of investigating a suspected violation of this ordinance.

c. Failure on the part of a owner or operator to allow such inspections by the city manager shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and civil penalties.

#### **6.5 Enforcement, Penalties, and Liability**

a. Any person failing to have an approved erosion and sediment control plan prior to starting a land disturbing activity shall be in violation of this ordinance. Each day such violation shall continue shall constitute a separate violation.

b. Any owner, operator or contractor who fails to comply with an approved erosion and sediment control plan shall be in violation of this ordinance, and shall be subject to the issuance of a stop work order, the withholding of a certification of occupancy or civil damages. Each day such violation shall continue shall constitute a separate violation.

c. Any failure of an owner, operator or contractor to comply with a stop work order issued by the city shall be in violation of this ordinance. Each day such violation shall continue shall constitute a separate violation.

d. The owner, operator or contractor shall allow periodic inspections by the city of all land disturbing activities. Any failure to allow such an inspection shall be considered a failure to follow the approved plan, and shall constitute a violation of this ordinance, and shall be subject to the issuance of a stop work order or the withholding of a certificate of occupancy.

f. In order to obtain compliance with this ordinance, the city manager may notify departments of the city to deny service to the property until the site has been brought into compliance.

g. Upon the request of the city manager, the city attorney shall initiate appropriate legal action to enforce the provisions of this ordinance.

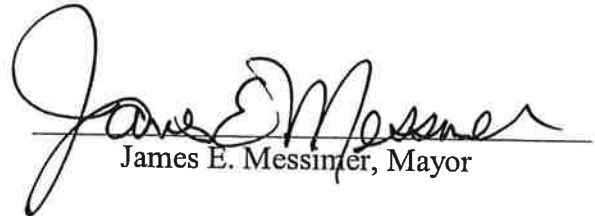
h. The remedies provided for in this ordinance are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

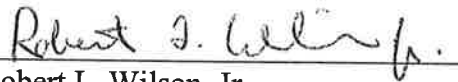
i. Neither the approval of a plan under this ordinance, nor compliance with the conditions of such plan, shall relieve any person of responsibility for damage to other persons or property or impose any liability upon the city for damage to other persons or property.

**SECTION VII:** The violation of any provision of this ordinance shall be subject to penalty as provided in Section 1-8 of the Code of Ordinances of the city.

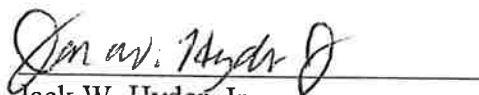
**SECTION VIII:** A public hearing on this ordinance will be held by the city council prior to its consideration on second reading.

**SECTION IX:** This ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.

  
James E. Messimer, Mayor

  
Robert L. Wilson, Jr.  
City Recorder

Approved as to Form and Legality  
this 1st day of December, 2004

  
Jack W. Hyder, Jr.  
City Attorney

Passed on 1st Reading: 12-7-04  
Public Hearing: 1-4-05  
Passed on 2nd Reading: 1-4-05



**AN ORDINANCE** Prohibiting Illicit Discharges Into and Illicit Connections to the Municipal Separate Storm Sewer System and Prescribing a Penalty for the Violation Thereof

**WHEREAS**, the city council desires to prohibit illicit discharges into and illicit connections to the municipal separate storm sewer system of the City of Bristol.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL TENNESSEE AS FOLLOWS:

**SECTION I. Purposes:** The purposes of this ordinance are as follows:

- a. To protect, maintain, and enhance the environment of the City of Bristol and the public health, safety and general welfare of the citizens of the city, by controlling discharges of pollutants to the city's storm water system;
- b. To maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including streams, rivers, lakes, ponds, wetlands, and groundwater of the city; and

**SECTION II. Definitions:** As used in this ordinance:

- a. ***Best management practices (BMP)*** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. This term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.
- b. ***City*** means the City of Bristol Tennessee.
- c. ***City manager*** means the city manager of the city or his designee, who is responsible for the implementation of this ordinance.
- d. ***Contaminant*** means any physical, chemical, biological, or radiological substance or matter in water.
- e. ***Discharge*** means to 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 non-storm water solid or liquid matter into the municipal separate storm sewer system.
- f. ***Illicit connection*** means any unauthorized or illegal connection to the municipal separate storm water system whether or not such connection results in a discharge into that system.
- g. ***Municipal separate storm sewer system (MS4)*** means a conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which are:

1. Owned or operated by a state, county, city, town, district, association, or other public body created by or pursuant to state law having jurisdiction over the disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the federal Clean Water Act that discharges to waters of the state;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW) as defined by 40 C.F.R. §122.2, as amended from time to time.

h. ***National pollutant discharge elimination system (NPDES) permit*** means a permit issued pursuant to 33 U.S.C. § 1342, as amended from time to time.

i. ***Pollutant*** means sewage, industrial waste, or other waste or materials, whether liquid or solid.

j. ***Storm water or storm water runoff*** means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

k. ***Surface water*** means waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, rivers, other water courses, lakes and reservoirs.

l. ***TDEC*** means the Department of Conservation and Environment of the State of Tennessee.

m. ***Waters or waters of the state*** means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

### **SECTION III. Illicit Discharges:**

#### **3.1. Prohibition of Illicit Discharges**

a. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct, or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited.

b. Notwithstanding the foregoing, uncontaminated discharges from the following sources are permitted:

1. landscape irrigation or lawn watering with potable water;
2. diverted stream flows permitted by the State of Tennessee;
3. rising ground water;

4. groundwater infiltration, as defined by 40 C.F.R. § 35.2005(20), as amended from time to time, to separate storm sewers;
5. pumped groundwater;
6. foundation or footing drains;
7. water discharged from crawl space pumps;
8. air conditioning condensate;
9. springs;
10. individual, residential washing of vehicles;
11. flows from natural riparian habitat or wetlands;
12. swimming pools, if dechlorinated to less than one part per million chlorine;
13. discharges from governmental operations;
14. discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee;
15. discharges necessary to protect public health and safety, as specified in writing by the city; and
16. dye testing authorized by the city.

### **3.2. Prohibition of Illicit Connections**

- a. The construction, use, maintenance, or continued existence of illicit connections to the city's separate municipal storm sewer system is prohibited.
- b. Illicit connections to the city's separate municipal storm sewer system made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, are prohibited.

### **SECTION IV. Elimination of Discharges and Connections:**

- a. Any owner or 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 best management practices necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system.
- b. Any person responsible for a property or premises where an illicit connection is located may be required, at the person's expense, to eliminate the connection to the municipal separate storm sewer system.

### **SECTION V. Notification of Spills:**

- a. Notwithstanding other requirement 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 storm water or the municipal separate storm water system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- b. In the event of a release of hazardous materials, the person shall immediately notify the appropriate emergency response agency or agencies of the occurrence. The person shall notify the city manager in person or by telephone or facsimile no later than the next business day.

c. In the event of a release of non-hazardous materials, the person shall notify the city manager in person or by telephone or facsimile no later than the next business day.

d. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city manager within three (3) business days of the telephone notice.

e. 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.

## **SECTION VI. Compliance:**

### **6.1. Notices**

a. The city manager shall have the authority to issue notices of violation and citations.

b. The city manager may require reports or records from the permittee or person responsible for eliminating the illicit discharge or illicit connection to insure compliance.

### **6.2. Inspections by City**

a. The city manager shall have the right to enter onto private properties for the purposes of investigating a suspected violation of this ordinance.

b. The owner or person in control of any premises, facility, operation or residence where an illicit discharge or illicit connection is known or suspected shall allow the city manager to have access to and copy at reasonable times, any applicable state or federal permits related to the suspected or known discharge or connection, and any reports or records maintained in accordance with this ordinance.

c. The failure of an owner or person in control of any premises to allow such inspection by the city manager shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and civil penalties.

### **6.3. Enforcement, Penalties and Liability**

a. Any person who fails to comply with the ordinance shall be in violation of this ordinance. Each day such violation shall continue shall constitute a separate violation.

b. Any person who violates this ordinance shall be subject to the issuance of a stop work order, the withholding of a certification of occupancy, and civil damages. Each day such violation shall continue shall constitute a separate violation.

c. Any failure of a person to comply with a stop work order issued by the city shall be in violation of this ordinance. Each day such violation shall continue shall constitute a separate violation.

d. In order to obtain compliance with this ordinance, the city manager may notify other departments or the city to deny service to the property until the site has been brought into compliance.

e. Upon the request of the city manager, the city attorney shall initiate appropriate legal action to enforce the provisions of this ordinance.

f. The remedies provided for in this ordinance are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

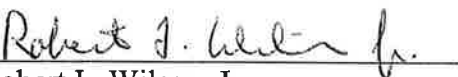
g. Neither the approval of a discharge under this ordinance, nor compliance with the conditions of such approval, shall relieve any person of responsibility for damage to other persons or property or impose any liability upon the city for damage to other persons or property.

**SECTION VII:** The violation of any provision of this ordinance shall be subject to penalty as provided in Section 1-8 of the Code of Ordinances of the city.


**SECTION VIII:** A public hearing on this ordinance will be held by the city council prior to its consideration on second reading.

**SECTION IX:** This ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.

  
James E. Messinger, Mayor

  
Robert L. Wilson, Jr.  
City Recorder

Approved as to Form and Legality  
this 1st day of December, 2004

  
Jack W. Hyder, Jr.  
City Attorney

Passed on 1st Reading: 12-7-04  
Public Hearing: 1-4-05  
Passed on 2nd Reading: 1-4-05

**Ordinance No. 05-7**

**An Ordinance to Amend Section 24 of Chapter 50 of the  
Code of Ordinances Regarding Antinoise Regulations**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL,  
TENNESSEE AS FOLLOWS:

That Section 50-24(b) and (c) of Chapter 50 of the Code of Ordinances, Offenses and Miscellaneous Provisions, is amended by Section 1 and 2 of this ordinance as follows:

**Section 1.** Delete Section 50-24(b) (10), Loudspeakers or amplification on vehicles, in its entirety and replace with a new subsection (10), Excessive noise from motor vehicles, as follows:

(10) Excessive noise from motor vehicles

No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section, "plainly audible" means any sound that clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty feet (50') or more; however, words or phrases need not be discernible and such sound shall include bass reverberation.

This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercrafts operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted in accordance with Section 50-24(c) (7).

**Section 2.** Insert new subsections (3) – (7) to Section 50-24(c), to read in full as follows:

(c) Exceptions. None of the terms of prohibitions hereof shall apply to or be enforced against:

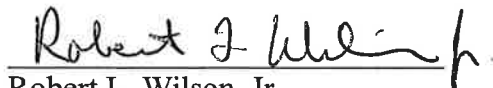
- (1) Any vehicle of the city while engaged upon necessary public business.
- (2) Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state.
- (3) Properly operating alarms on vehicles or structures.
- (4) Authorized emergency vehicles.
- (5) Vehicle horns used as a warning of danger.

- (6) Public safety officials acting within the scope of their authority.
- (7) Community-wide public events, parades, or activities authorized to be held on city-owned property by the city manager.


This Ordinance shall become effective seventeen (17) days from and after its final passage, the welfare of the City requiring it.

WHEREUPON, Mayor Messimer declared the Ordinance adopted, affixed his signature and the date thereto, and directed that the same be recorded.

  
James E. Messimer, Mayor

  
Robert L. Wilson, Jr.  
City Recorder

**Approved as to Form and Legality**  
this 23<sup>rd</sup> day of February 2005

  
Jack W. Hyder, Jr.  
City Attorney

Passed on 1st Reading: 3-1-05  
Public Hearing: 4-5-05  
Passed on 2nd Reading: 4-5-05

## OFFENSES AND MISCELLANEOUS PROVISIONS

**Sec. 50-24. Antinoise regulations.**

(a) *Generally.* Subject to the provisions of this section the creating of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(b) *Miscellaneous prohibited noises enumerated.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Blowing horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) *Radios, phonographs, etc.* The playing of any radio, phonograph or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- (3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public

streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

- (4) *Use of vehicle.* The use or operation of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to cause unreasonably loud and unnecessary grating, grinding, rattling or other noise.
  - (5) *Exhaust discharge.* To discharge the exhaust of any engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (6) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of emergency.
  - (7) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church or court while the same is in session.
  - (8) *Loading and unloading operations.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and other containers.
  - (9) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale, or display of merchandise.
  - (10) *Loudspeakers or amplifiers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (c) *Exceptions.* None of the terms of prohibitions hereof shall apply to or be enforced against:
- (1) Any vehicle of the city while engaged upon necessary public business.
  - (2) Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state.

(Code 1980, § 10-254)



**Ordinance No. 05-8**

**An Ordinance to Amend Chapter 50 of the Code of Ordinances  
by Providing a New Section 50-30 Titled Installation,  
Replacement, and Use of Outdoor Lighting**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL,  
TENNESSEE AS FOLLOWS:

That Chapter 50, Offenses and Miscellaneous Provisions, of the Code of Ordinances is amended by the insertion of a new Section 50-30, Installation, Replacement, and Use of Outdoor Lighting, as follows:

**Sec. 50-30. Installation, Replacement, and Use of Outdoor Lighting.**

(a) These provisions shall apply to the installation of new outdoor lighting fixtures and the replacement of existing outdoor lighting fixtures on all property except single-family and two-family residences on single lots, and except as specifically exempted herein. Replacement of a fixture shall mean a change of the fixture itself, a change of the mounting height, or a change of the fixture location. The changing of lamps or bulbs, ballast, starter, photo control, lenses, and other similar components with an equivalent component shall be considered maintenance and does not constitute replacement.

(b) General Standards:

- (1) All non-exempt lighting shall be designed, installed, and maintained in such a manner to prevent light and glare beyond the property line of the site on which the lighting is located. The maximum light level at any property line shared with a property that is zoned or used for residential purposes, including nursing homes, congregate living, assisted care, and similar residential facilities, shall not exceed one-half (0.5) foot-candle at grade level. The maximum light level at any other property line, including a right-of-way line, shall not exceed two (2) foot-candle at grade level.
- (2) Lighting levels within vehicular use areas shall be uniform in intensity.
- (3) Freestanding lighting fixtures and those mounted on buildings, poles or other structures for illumination of parking lots, pedestrian ways, and landscaping shall not exceed thirty-five (35) feet in height.

- (4) Lighting fixtures shall be recessed, flush-mounted, or otherwise shielded to reduce glare on and off the site.
- (5) Lighting fixtures shall be full cut-off type designed so that no light is distributed above the horizontal plane of the light fixture.
- (6) Natural or man-made landscaping features used to facilitate compliance with this section shall be enforced as required landscaping and shall be maintained in accordance with Section 1114 of the planning and zoning ordinance.
- (7) Lighting fixtures that may be confused with warning signals, emergency signals, or traffic signals or signs shall be prohibited.

(c) A lighting plan shall be submitted as a required element of a site plan prior to installation, replacement, or modification of any lighting fixture not specifically exempt from this section. The lighting plan shall be submitted in a form as established by the city manager including but not limited to location, height, and description of the fixtures. A photometric diagram indicating the location of light fixtures and a numerical grid of the maintained lighting levels at ground level across the property may also be required.

(d) The following lighting is exempt from this section:

- (1) Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupation Safety and Health Administrations, and any other federal, state, or local government agency when specific requirements prohibit complying with this section.
- (2) Lighting used to illuminate flags, statues, signs, buildings, or landscaping that does not meet the other provisions of this section; provided, however, the fixtures must be directionally shielded and aimed so the light is substantially confined to the object intended for illumination. In no case shall motorists or pedestrians be subjected to glare from the lighting.
- (3) Single-family and two-family residences on individual lots or parcels; provided, that directional lighting shall have the center of its light beam directed on-site.

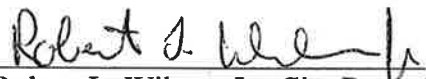
- (4) Lighting installed by the Bristol Tennessee Essential Services in accordance with its lighting standards.

This ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.

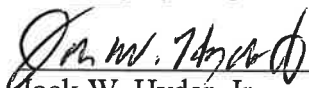
WHEREUPON, Mayor Messimer declared the Ordinance adopted, affixed his signature and the date thereto, and directed that the same be recorded.

  
James E. Messimer, Mayor

Date: 4/05/05

  
Robert L. Wilson, Jr., City Recorder

Approved as to Form and Legality  
this 6th day of April 2005

  
Jack W. Hyder, Jr.  
City Attorney

Passed on 1st Reading: 3-1-05  
Public Hearing: 4-5-05  
Passed on 2nd Reading: 4-5-05

**Ordinance No. 05-11**

**An Ordinance to Amend Chapter 62 of the Code of Ordinances  
by providing a new Article V titled Sidewalk Café and  
Repealing Ordinance No. 02-27 on the Same**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL,  
TENNESSEE AS FOLLOWS:

That Chapter 62, Streets, Sidewalks and other Public Places, of the Code of Ordinances is amended by the insertion of a new Article V, Sidewalk Café, to read as follows:

**Art. V. Sidewalk Café**

**Sec. 62-140. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Abutting retail business property* is any real property used for retail business, which abuts (but is not located in) the public sidewalk area.

*Café activity* is the retail sale of beverages or food or the provision of a place for the consumption of beverages or food.

*Cafe area* is the area used for café activity and shall include the entire sidewalk sales area and any part of the abutting retail business property used directly for café activity.

*Effective walkway width* is the portion of the sidewalk in the public sidewalk area that is reasonably available for use by the pedestrian stream moving through the area.

*Public sidewalk area* is a sidewalk area located in the public right-of-way or in an area in which the public has an easement for sidewalk purposes, or both.

*Sidewalk sales area* is the portion of the public sidewalk area which has been permitted by the city manager for café activity.

**Sec. 62-141. Permit required.**

It shall be unlawful for a person to engage in café activity in a public sidewalk area without first being granted a permit as provided in this article by the city manager.

**Sec. 62-142. Requirements for issuance of permit.**

(a) The city manager is authorized to grant a sidewalk café permit to use a sidewalk sales area situated immediately to an abutting retail business property owned or leased for a food or beverage operation, for the sole purpose of engaging in café activity. A person who desires a permit to use a sidewalk sales area for café activity shall complete an application provided by the city manager.

(b) The city manager shall approve a permit for each qualified applicant qualified under the provisions of this article, provided the requirements listed in this subsection are met:

1. The public sidewalk area immediately next to the abutting retail business property shall be at least ten (10) feet in width as measured from the back of the curb to the property line.
2. The sidewalk sales area must be located next to the abutting retail business property.
3. The sidewalk sales area shall not be permitted to extend from the abutting retail business property so as to reduce the effective walkway width to less than five (5) feet, provided however that whenever permanent obstructions are located between the perimeter of the sidewalk sales area and the curb, the required passageway may be reduced to four (4) feet in width measured from such perimeter to such obstruction.
4. No part of the sidewalk sales area shall be located within ten (10) feet of the point at which the right-of-way lines of two (2) streets intersect or within five (5) feet of any driveway or alleyway.
5. The applicant shall be actively engaged in a retail business involving the sale of food or beverages in the abutting retail business property. The food or beverages sold in the café area will also be sold in the abutting retail business property. The floor area of the abutting retail business property must exceed the area of the sidewalk sales area.
6. The hours of operation of the sidewalk sales area shall not exceed the hours of operation of the abutting retail business property.
7. Each applicant shall at all times have in full force and effect a policy of comprehensive general liability and broad form property damage liability insurance in a combined single limit amount, per claim and aggregate, of at least One Million Dollars (\$1,000,000.00) covering the applicant's operations on the permitted area. Such insurance shall name, on a special endorsement form, the city; its elected and appointed boards, officers, agents and employees as additional insured. A certificate of such insurance shall be filed with the city manager prior to issuance of a permit which certificate shall contain provisions that prohibit the cancellation, modification or lapse of the coverage without thirty (30) days' prior written notice to the city. Such policies and certificates of insurance shall be issued by companies authorized to do business in Tennessee and approved by the city. Any cancellation, termination or lapse of such insurance coverage shall automatically constitute a revocation of a permit issued pursuant to this ordinance.

8. The applicant shall provide a document in which the applicant agrees to indemnify and hold harmless the city, and its officers and employees, for any loss or damage arising out of the use of the sidewalk sales area for café activity.
9. Other rules and regulations as established by the city manager not inconsistent with the provisions of this article.

Sec. 62-143. Restrictions on café activity.

Use of the café area for café activity under this article shall be subject to the following conditions:

- (a) The permit holder shall be required to obey the commands of police officers, fireman and all other public authorities acting pursuant to law with respect to activity carried out in the sidewalk sales area, including the temporary removal of furniture and equipment and temporary cessation of café activity.
- (b) When café activity is not being conducted or when the abutting retail business property is not open, the permit holder shall remove from the sidewalk sales area all furniture, equipment and goods which are susceptible to movement by the elements or by unauthorized persons.
- (c) No tables, chairs or any other fixtures used in connection with a sidewalk café shall be attached, chained, or in any manner affixed to any tree, post, sign, or other public fixture.
- (d) All furniture, equipment and goods must be susceptible to removal at any time with the manpower normally available to the applicant.
- (e) Provision shall be made to assure the public area will not be littered, including placement of adequate trash receptacles and periodic picking up of litter in the sidewalk sales area.
- (f) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created.
- (g) No cooking or food preparation activities shall occur in the sidewalk sales area.
- (h) Sales of food or beverages may not be made to a person in or on any motorized vehicle.
- (i) Food or beverages sold in the sidewalk sales area shall be provided only for consumption in the sidewalk sales area or in the abutting retail business property.
- (j) The sidewalk sales area may be modified at any time by the city manager in his sole discretion if conditions regarding pedestrian traffic flow or other nuisances associated with the operation of the sidewalk sales area warrant such change.
- (k) Advertising shall not be permitted in the sidewalk sales area except for the name of the establishment on chairs, tables, umbrellas or other amenities, or the product name of foodstuffs placed on chairs, tables, umbrellas or other

amenities, as approved by the city manager. The amenities used in the sidewalk sales area shall be maintained in good condition.

(l) The city manager, by written notice to the permit holder, may discontinue the use of the sidewalk sales area during the time and within the geographic boundaries of a special event, or require that the permit holder meet the additional requirements imposed on all vendors by the special event sponsor.

(m) The operation of any sidewalk café shall be in conformity with all applicable federal, state, and local laws and regulations.

Sec. 62-144. Special events, temporary permit.

(a) During special events, festivals, cultural events or other activities approved by the city, the city manager may approve a temporary expansion of the sidewalk sales area of a permitted sidewalk cafe. During such approved events the city manager may approve a temporary expansion of the sidewalk café service area, including portions of an immediately adjacent public street, provided a pedestrian passageway measuring no less than five (5) feet in width is maintain around such area. If an expanded sidewalk café is approved, such café area shall be fenced or separated with a temporary barrier as approved by the city manager. The outdoor dining area shall not impede, endanger or interfere with pedestrian or vehicular traffic.

(b) During special events, festivals, cultural events or other activities approved by the city, the city manager is authorized to grant a permit for a temporary sidewalk café. The duration of the temporary permit shall not exceed seven calendar days, with not more than two permits to be issued at an abutting retail business property during a calendar year. During such approved events the city manager may approve a temporary sidewalk café service area, including portions of an immediately adjacent street, provided a pedestrian passageway measuring no less than five (5) feet in width is maintain around such area and is noted on the approved plan. If a temporary permit is granted, such café area shall be fenced or separated with a temporary barrier as approved by the city manager. The outdoor dining area shall not impede, endanger or interfere with pedestrian or vehicular traffic.

Sec. 62-145. No effect on beer or alcohol license.

Nothing in this article shall be construed as altering, modifying or otherwise affecting any provision of Chapter 6, Article III of the Code of Ordinances or any license or permit issued by the Tennessee Alcoholic Beverage Commission.

Sec. 62-146. Term and revocation.

A permit under this article shall be valid for a period of one (1) year from the date of issuance, unless a shorter time is indicated on the permit, and shall automatically renew for successive one year periods, provided that the annual permit fee is paid; and provided further that the city manager is authorized to revoke the permit if the city manager determines that there are changed conditions to pedestrian traffic flow or continued operation of the sidewalk sales area that are not in the best interest of the city.

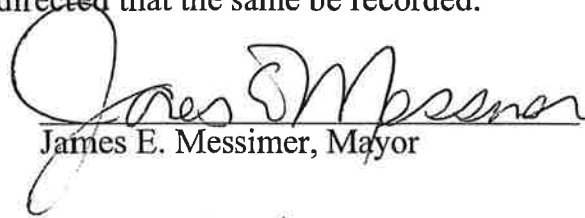
Sec. 62-147. Permit fee.

The permit fee for a sidewalk café and a temporary sidewalk café shall be established by the City Council.

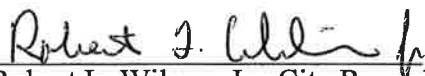
BE IT FURTHER ORDAINED that Ordinance No. 02-27 is repealed in its entirety.

This ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.

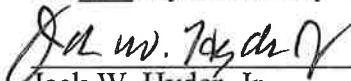
WHEREUPON, Mayor Messimer declared the Ordinance adopted, affixed his signature and the date thereto, and directed that the same be recorded.

  
James E. Messimer, Mayor

Date: 4/05/05

  
Robert L. Wilson, Jr., City Recorder

Approved as to Form and Legality  
this 23rd day of February 2005

  
Jack W. Hyder, Jr.  
City Attorney

Passed on 1st Reading: 3-1-05  
Public Hearing: 4-5-05  
Passed on 2nd Reading: 4-5-05



AN ORDINANCE Authorizing the Issuance of Permits for Sidewalk Cafés, Providing Conditions for the Operation Thereof and Prescribing a Penalty for the Violation Thereof

WHEREAS, the city council finds and declares that sidewalk cafés promote the public interest by:

- (a) Providing the opportunity for creative, colorful, pedestrian-focused commercial activities;
- (b) Encouraging commercial activities which add excitement and diversity to the city;
- (c) Encouraging the upgrading of store fronts and the development of compatible and well-designed elements within the city; and
- (d) Promoting land conservation, redevelopment, energy savings and indirect tax revenue; and,

WHEREAS, the city council desires to authorize sidewalk cafés in the City of Bristol and to establish conditions for the operation thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL TENNESSEE AS FOLLOWS:

SECTION I: As used in this ordinance:

- (a) "City" means the City of Bristol Tennessee.
- (b) "City manager" means the city manager of the city or his designee.
- (c) "Code of Ordinances" means the *Code of Ordinances of the City of Bristol Tennessee*.
- (d) "Restaurant" means a business establishment which has as its primary purpose the sale of food prepared on the premises and which derives forty percent (40%) or more of its gross income from the sale of food and non-alcoholic beverages.
- (e) "Sidewalk café" means that portion of the public right-of-way which is kept, used, maintained and held out to the public as a place where food and drink are served for consumption on the premises.

**SECTION II:** The record owner or lessee of a properly zoned restaurant abutting a public right-of-way may, subject to the provisions of this ordinance, obtain a permit to operate a sidewalk café, on such space on which the restaurant abuts as the city council determines is not needed for the use of the general public.

**SECTION III:** An application for a permit to operate a sidewalk café shall be made to the city manager on a form to be furnished by the city, which application shall set forth the following:

- (a) The name and address of the each owner and manager of the restaurant;
- (b) The days and hours of operation of the restaurant;
- (c) Information as to how the extended premises of the restaurant will be supervised and maintained;
- (d) A description or photograph of the furniture to be used on the sidewalk café;
- (e) An estimate of the maximum number of patrons to be accommodated on the premises of the sidewalk café;
- (f) Five (5) copies of a plat, drawing or site plan indicating, to scale, the amount of surface the applicant is seeking permission to use and the location of all furniture, equipment and any other articles proposed to occupy public space;
- (g) A description of the food and beverages to be offered for sale;
- (h) A statement that the applicant will, in consideration of being issued a permit for the use of surface space, agree to hold harmless the city, and its officers and employees, for any loss or damage arising out of the applicant's use of the public right-of-way for a sidewalk café;
- (i) A statement from a certified public accountant or a public accountant supported by appropriate documents or records certifying that at least forty percent (40%) of the gross receipts of the restaurant seeking the permit during the last tax year prior to the application, were derived from the sale of food and non-alcoholic beverages; and,
- (j) A written plan detailing the measures which the applicant expects to take to insure compliance with the conditions established by this ordinance for a sidewalk café permit.

The application shall be accompanied by an application fee of \$50.00 payable to the city.

**SECTION IV:** An application for a permit to operate a sidewalk café shall be reviewed by the city manager, and by such other city departments as the city manager may deem warranted, in order to secure recommendations relative to the amount of pedestrian movement to be

accommodated, the accuracy and appropriateness of the area to be licensed and any recommended changes. In reviewing an application, the city manager shall give due consideration to the Americans With Disabilities Act, sight distance at intersections, the visibility of traffic control devices and whether the proposed area is on the right-of-way of a state or federal route. If the plan submitted with the application would require significant alteration of a public sidewalk or other infrastructure, the city manager may require the applicant to post an appropriate bond for the purpose of restoring the sidewalk or infrastructure to its original condition in the event it ceases to be used as a sidewalk café. After reviewing the application and the recommendations received from the departments of the city to whom the plan was referred, the city manager shall make a recommendation to either issue or deny the permit or issue it subject to compliance with any changes which he may deem appropriate.

**SECTION V:** The application for a permit to operate a sidewalk café and the recommendation of the city manager thereon shall be submitted to the city council for its consideration.

**SECTION VI:** Each permit granted by the city council to operate a sidewalk café shall be subject to each of the following conditions:

(a) The service area for any sidewalk café permitted under this ordinance shall be no less than five (5) feet in width when measured toward the street from the side of the building running parallel to said area.

(b) Between the street side perimeter of said service area and the curb of said street, there shall be a pedestrian passageway measuring no less than five (5) feet in width, provided however, that whenever permanent obstructions are located between the perimeter of the service area and the curb, the required passageway may be reduced to four (4) feet in width as measured from such perimeter to such obstruction.

(c) The use of the permitted area for a sidewalk café shall not (1) violate the Americans With Disabilities Act, or the city's ability to comply therewith, or (2) adversely interfere with sight distance at intersections or the visibility of a traffic control device.

~~(d) There may be one entrance to the service area of a sidewalk café, from the sidewalk adjacent to said area, and there shall be one entrance to said area from the building of the establishment permitted to operate such sidewalk café.~~

(e) Except for the entrance required by the preceding section, the service area of a sidewalk café shall be separated from the surrounding sidewalk, by either a fixed or movable ornamental railing or fence, measuring no less than thirty (30) inches and no more than forty-eight (48) inches in height when measured from the sidewalk.

(f) All services provided to patrons located within the service area of a permitted sidewalk café shall be provided exclusively from within the permitted area.

(g) The space permitted for a sidewalk café shall only be used for the activity or activities specified on the permit.

(h) The use of the public right-of-way under a permit for a sidewalk café is temporary, and the permittee is granted a mere license which is revocable by the city at its sole and absolute discretion. The permittee acquires no right, title or interest in the permitted space.

(i) The city may require such space to be vacated upon demand and its use discontinued, with no recourse against the city for any loss or damage occasioned thereby.

(j) If, upon demand of the city, any permitted space is not vacated and such use discontinued by the time specified, the city may remove from such space any property left thereon at the risk and expense of the owner.

(k) All tables, chairs and other furniture used in connection with the permit area shall be removed from the public right-of-way daily at the close of business.

(l) All condiments, dishes and other service items shall not be permitted on tables when they are not occupied by patrons.

(m) The permittee shall promptly remove any litter deposited on or in the vicinity of the surface space used by the permittee resulting from the activity or activities conducted by the permittee on or adjoining such space.

(n) The permittee shall at all times conduct such activity or activities in an orderly fashion and in such a manner as to protect the public health and safety.

(o) The permitted space shall be used by the permittee only during the hours specified on the permit authorizing such use, and neither before nor after such hours.

(p) The permittee shall comply with all applicable health and sanitation laws and regulations.

(q) Advertising in the permit area shall be limited to the name of the business stated on the permit, and limited to display only on umbrellas, canopies, chairs or table fixtures.

(r) A permit issued pursuant to this ordinance is a personal privilege of the permit holder and may not be transferred or alienated voluntarily or involuntarily.

(s) Live or recorded entertainment is prohibited in the permitted area.

(t) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a permittee to temporarily move from a location, such permittee shall immediately comply with such notice. For purposes of this subsection, exigent circumstances

shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situations at or near such locations, or a parade, demonstration or other such event or occurrence at or near such location.

(u) No permittee shall sound or permit the sounding of any signal from any stationary bell, chime, siren, whistle or device for non-emergency purposes, or use or operate any loudspeaker, public address system, radio, sound amplifier, or similar device.

(v) Any umbrella, canopy, or similar device in any sidewalk cafe shall be no less than six and one half (6-1/2) feet above ground level.

(w) All sidewalk cafés shall be located only in the exact location described in the approved application. Approved furnishings may not be modified or substituted.

(x) The sale and consumption of beer and alcoholic beverages on the permitted area will be allowed to the extent such is permitted under the license issued by the beverage licensing authority.

**SECTION VII:** Any permit issued pursuant to this ordinance may be suspended or revoked by the city council for any of the following reasons:

(a) Fraud, misrepresentation or a false statement contained in the application for the permit;

(b) Any failure to adhere to the conditions under which the permit was issued;

(c) Any violation of this ordinance;

(d) The use of the right-of-way for a sidewalk café is contrary to any federal, state or local law, or adversely interferes with sight distance at an intersection or the visibility of a traffic control device;

(e) Conduct of the business governed under this ordinance in an unlawful manner or in such a way as to constitute a threat to the health or safety of the public; or

(f) A determination by the city council that the permitted area is needed for the public right-of-way.

**SECTION VIII:** Each permit holder shall at all times have in full force and effect a policy of comprehensive general liability and broad form property damage liability insurance in a combined single limit amount, per claim and aggregate, of at least One Million Dollars (\$1,000,000.00) covering the applicant's operations on the permitted area. Such insurance shall name, on a special endorsement form, the city, its elected and appointed boards, officers, agents and employees as additional insureds. A certificate of such insurance shall be filed with the city manager prior to

issuance of a permit which certificate shall contain provisions that prohibit the cancellation, modification or lapse of the coverage without thirty (30) days' prior written notice to the city. Such policies and certificates of insurance shall be issued by companies authorized to do business in Tennessee and approved by the city. Any cancellation, termination or lapse of such insurance coverage shall automatically constitute a revocation of a permit issued pursuant to this ordinance.

**SECTION IX:** A permit issued pursuant to this ordinance shall expire on December 31 of the year of its issuance. After the initial issuance of a permit, the renewal of such permit may be made for one year by application to the city manager.

**SECTION X:** A permit for a sidewalk café shall not be issued to any of the following:

(a) A person who has been convicted of a felony under any federal or state law, unless the city council determines after investigation, that such person has been sufficiently rehabilitated to warrant the public trust;

(b) A person whose has had a permit issued under this ordinance revoked for cause;

(c) A person who at the time of application for renewal of any permit issued under this ordinance would not be eligible for such permit upon an initial application;

(d) A partnership, unless each partner is qualified to obtain a permit;

(e) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would be ineligible to receive a permit under this ordinance for any reason other than residence within the city;

(f) A corporation unless it is incorporated in Tennessee, or unless it is a foreign corporation which is qualified under Tennessee law to transact business in Tennessee;

(g) A person whose business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the permittee;

(h) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, transportation or sale of beer or alcoholic beverage;

(i) A person who does not beneficially own the premises of the restaurant, or does not have a lease thereon for the full period of which the permit is to be issued;

(j) Any person who is not an owner or lessee of the business to be operated by the permittee.

SECTION XI: Nothing in this ordinance shall be construed as altering, modifying or otherwise affecting any provision of the Beer Board Ordinance, which is codified as Sections 6-141 *et seq.* of the Code of Ordinances, or any licence or permit issued by the city's Beer Board or the Tennessee Alcoholic Beverage Commission.

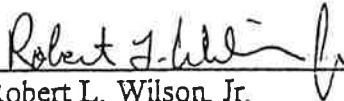
SECTION XII: It shall be unlawful for any person to operate a sidewalk café except in accordance with a permit issued by the city pursuant to this ordinance. The violation of any provision of this ordinance shall be subject to penalty as provided in Section 1-8 of the Code of Ordinances.

SECTION XIII: A public hearing on this ordinance will be held by the city council prior to its consideration on second reading.

SECTION XIV: This ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.



Trish Bane, Mayor



Robert L. Wilson, Jr.  
City Recorder

Passed on 1st Reading: 07-02-02

Passed on 2nd Reading: 08-06-02

**Ordinance No. 05-25**

**An Ordinance to Amend Article I, Chapter 62 of the Code of Ordinances  
Regarding Right-of-Way Encroachments**

BE IT ORDAINED by the City Council of the City of Bristol, Tennessee as follows:

That Article I, Chapter 62, of the Code of Ordinances is hereby amended by inserting a new Sec. 62-10, Approval Required for Right-of-Way Encroachment, to read in its entirety as follows:

**Sec. 62-10. Permit required for right-of-way encroachment.**

- (a) No person, firm, corporation, or other entity shall erect or maintain any encroachment upon any street, alley, sidewalk, or public right-of-way of the city except as may be authorized by a permit issued by the city manager when deemed in the best interest of the city. For the purposes of this section, encroachments shall include, but not be limited to, any house, fence, wall, building, structure of any kind, or any post, rail, sign, awning, canopy, building overhang or other object placed upon or over, either totally or partially, any street, alley, sidewalk, or public right-of-way.
- (b) A permit for an awning, canopy or building overhang may be issued by the city manager only if the awning, canopy or overhang is attached to a principal building, and is not freestanding or requires an independent support structure, and complies with applicable provisions of the zoning ordinance.
- (c) A permit for a retaining wall may be issued by the city manager only if, in the opinion of the city manager, such retaining wall is necessary to protect the safety of persons or to preserve private property rights provided that the placement or replacement of any retaining wall or structure is carried out in accordance with applicable provisions of the zoning ordinance.
- (d) Prior to the issuance of a permit under this Section, the city manager shall require a hold-harmless agreement from the property owner or other person who occupies or controls the property, as determined by the city manager. As a condition to allowing an encroachment, the city manager may require that the city be named as an "additional insured" on a policy of liability insurance.
- (e) A permit issued by the city manager under this Section shall create no property right, but shall constitute a mere license which shall be revocable in the discretion of the city manager.
- (f) The planting of trees, shrubs, or other plants, and the installation of mailboxes, in the public right-of-way shall not require a permit under this Section, provided that such do not interfere with required sight vision at intersections and driveways.

This Ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.



WHEREUPON, the Mayor declared the Ordinance adopted, and has signed and affixed the date thereto, and directed that the same be recorded.

Mayor: James S. Messner  
Date: 7/6/05

Robert L. Wilson, Jr.  
Robert L. Wilson, Jr., City Recorder

Approved as to Form and Legality  
this 24<sup>th</sup> day of June 2005

Jack W. Hyder, Jr.  
Jack W. Hyder, Jr., City Attorney

Passed on 1st Reading: 6-23-05  
Public Hearing: 7-5-05  
Passed on 2nd Reading: 7-5-05