

CODIFIED

ORDINANCE NO 2016-009

With Amendments Through October 2023

AN ORDINANCE TO AMEND THE EAGLEVILLE ZONING ORDINANCE, A COMPREHENSIVE AMENDMENT, REPLACING THE ENTIRE DOCUMENT.

Whereas, the Eagleville Municipal Planning Commission has duly recommended to the Eagleville City Council that the Official Zoning Ordinance of Eagleville, Tennessee, be amended as hereinafter described; and

Whereas, the Eagleville City Council has reviewed such recommendation and has conducted a public hearing thereon.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAGLEVILLE, TENNESSEE, AS FOLLOWS:

That the Official Zoning Ordinance of the City of Eagleville, Tennessee, is hereby amended by replacing the entire document with the document attached, which shall be appropriately noted as Ordinance 2023-008, and as thereafter may be amended.

ZONING ORDINANCE
EAGLEVILLE, TENNESSEE

MAYOR
Chad Leeman

PLANNING COMMISSION CHAIRMAN
Nick Duke, Chairman

LIST OF AMENDMENTS**DATE ORDINANCE NO. AMENDMENTS**

2/6/1979		Junk Vehicles
10/25/2007		Ordinance prohibiting Junk Yards and Junk Motor Vehicles read 3rd & final reading. Passed.
11/15/2007	7-7	Amend Zoning Map 2nd Reading Rezoning Parcel 163-6.00 from I-1 to R-2
		Annexation 163, Parcel 00600 Rezoned December 6, 2007
8/26/10 to council		Annexation Map 144, Parcel 05705, Hwy 99
11/1/2010	2011-01	Floodplain Ordinance Amendment / STORM WATER MANAGEMENT
Council adoption 2/24/2011	2011-02	Design Review Committee Established
September 2011		4.080 Amend STANDRDS FOR SIGNS, BILLBORDS, AND OTHER ADVERTISING STRUTURES.
December 2011	2011-06	Amend Zoning Map 138 Allisona Rd., Tax Map 144H, B, 01000, rezone from R-1 to C-1, Central Business District
August 2012	2012-02	Annexation Map 163, 03601, 273 Chapel Hill Pike
August 2012	2012-03	Amend Zoning Map. Map 163, 03601, 273 Chapel Hill Pike, 7.0 acres C-1, 32.83 acres I-1.
August 2012	2012-04	Outside Storage Ordinance amending Article V-C-1 District
Apr. 2014	2014-02	Rescind Floodplain Ordinance passed 1/1/2010 and replace with previous language. Section 5.071
January 2015	2015-01	Amend Section 5.070- F-1 to update NFPA flood maps references.
June 2015	2015-07	Amend Zoning Map. Map 144, 02608 (formerly parcels 21.01 and 26.03), 10.14 acres. Changed from R-2 to R-1.
September 2015	2015-11	Annexation. Map 163, Parcel 03200, Approx. 44.7 acres; Initial zoning of I-1 for Highway frontage for 435 feet into property, and R-1 for remainder.
February 2016	2016-001	Amend Section 5.042 and adding new section 4.130, relative to Accessory Use Standards for Specified Animals in R-2 zones.
June 2016	2016-007	Repeal of the Design Review Committee
August 2016	2016-008	Amend Zoning Map. Map 144, Parcels 36.06 and 36.07, changed from R-2 to R-1.
August 2016	2016-009	Substantial/comprehensive amendment of entire Zoning Ordinance document.
March 2019	2019-002	Among Others, Amend Definitions and Uses in Various Zones
December 2019	2019-011	Among Others, Amend Accessory Structures
2020	2020-002	Among Others, Amend PRD Requirements
2021	2021-001	Among Others, Amend Definitions and Uses in Various Zones

September 2021	2021-007	PRD – Minimum development standards
September 2021	2021-008	PRD – House material standards
October 2021	2021-010	Zoning Enforcement

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ARTICLE I**ENACTMENT****SECTION**

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

1.010 AUTHORITY

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210 and 13-7-401, *Tennessee Code Annotated*, to regulate, in the portion of Eagleville, Tennessee, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this ordinance, and to prescribe penalties for the violation thereof.

1.020 TITLE

This ordinance shall be known as The Zoning Ordinance of Eagleville, Tennessee. The zoning map shall be referred to as the Official Zoning Map of Eagleville, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 PURPOSE

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

- A. Enhancing the character and stability of residential, businesses, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestions;
- E. Preventing undue concentration of population;
- F. Providing for adequate light, air privacy, and sanitation;
- G. Reducing hazards from fire, flood, and other dangers;

- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. Encouraging the most appropriate uses of land;
- J. Enhancing and protecting the natural, man-made and historical amenities of Eagleville, Tennessee.
- K. Protecting the natural resources such as springs, waterways, natural buffers with as little disturbance to the natural land as possible to achieve the site design.

1.040 ENACTMENT

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

1.050 REPEAL

The existing Eagleville Zoning Ordinance, dated April 27, 1999, is hereby repealed. The adopting of this ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this ordinance.

ARTICLE II**DEFINITIONS****SECTION**

2.010 Scope

2.020 Definitions

2.010 SCOPE

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

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

2.020 DEFINITIONS**DEFINITIONS**

Section 2.020 Definitions

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

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

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

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

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or

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

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURE USE: The use of a tract of land including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of Eagleville are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use not shall commercial feed lots, meat manufacturing, or similar food process uses.

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

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

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

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

ATTACHED: An enclosure having continuing walls, roof and floor.

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

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

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

BED AND BREAKFAST ESTABLISHMENT: A transient lodging establishment, in a single family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation, where the owner(s) is present and resides in the establishment. A Bed and Breakfast is not considered a “short term rental”.

BOARD OF ZONING APPEALS (BZA): The Eagleville, Tennessee Board of Zoning Appeals.

BUFFER STRIP: A landscaped, vegetative strip not less than ten feet in width and planted the length of the buffer. Such a buffer shall be composed of one row of evergreen trees (height at planting of six feet, minimum maturity height of thirty feet), staggered and spaced not more than thirty feet apart and not less than two rows of shrubs or hedges (height at planting of three feet, minimum maturity height of six feet), spaced not more than five feet apart, or as otherwise determined by the Planning Commission or Zoning Board of Appeals to sufficiently meet the needs of the buffer.

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

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

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

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

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

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

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

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

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

CITY COUNCIL: The legislative body of the City of Eagleville, Tennessee.

CLINIC: See MEDICAL FACILITY.

COMMERCIAL USE: A land use classification that permits facilities for the buying and selling of commodities and services; a business use or activity at a scale greater than an incidental home occupation involving retail or wholesale marketing of goods and services for the public.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use are made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-207, *Tennessee Code Annotated*.

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

CONVENIENCE COMMERCIAL SERVICES: Services which are typically needed frequently or recurrently, such as a barber and beauty care; dry cleaner (drop off only – no on-site dry cleaning unless approved by City for STEP system); tailor; but excludes the operation of self-service laundromats

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, clubhouse, pool, dining facilities, and lounge.

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE HOME: Any place, home or institution, which receives up to seven unrelated young children for general care, exercise, play or observation.

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

DISTRICT: Any section or sections of the area lying within Eagleville, Tennessee, but outside the corporate limits of any municipality for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are in force.

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

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

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

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

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

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

Town house means a residential structure containing three or more attached dwelling units separated by a common vertical wall.

Condominium means an apartment building or townhouse containing three or more dwelling units separated by a common vertical wall.

Manufactured Home means as defined by the International Building Code.

Modular Home means as defined by the International Building Code.

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (expecting as set forth below) shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four or less boarders, including roomers, may be accommodated. The term “family” shall not be construed to mean a fraternity, sorority, club, or institutional group. The term “family,” as used in this ordinance, shall be construed to include groups of eight or fewer unrelated mentally retarded or physically handicapped persons and with two additional persons acting as houseparent’s or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, *Tennessee Code Annotated*.)

FLOOD, FLOODPLAIN: See ARTICLE V, Section 5.070 – Storm Water Management

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

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

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilities for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

GROUP HOME: Any place, home or institution, which receives eight to twelve unrelated young children for general care, exercise, play or observation.

HEALTH DEPARTMENT: The State of Tennessee Department of Environment and Conservation Ground Water Protection.

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

HOME OCCUPATION: See ARTICLE IV, Section 4.040

HOSPITAL: See MEDICAL FACILITIES.

HOTEL: A building, or part thereof, which has a common entrance and general dining room and which contains 30 or more living and sleeping rooms, designed to be occupied by individuals or groups of individuals for compensation. Hotel facilities may include conference facilities and incidental retail and service uses. A Hotel is not designed to become a long term dwelling unit.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or volatile materials, or processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

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

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

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

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

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

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

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

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

LOT, FRONTAGE: That dimension of a lot abutting on a street, excluding the side dimensions of a corner lot. For the area to count towards a lots required frontage, the frontage must be continuous.

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

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

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

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

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

MEDICAL FACILITIES:

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

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

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

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

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

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

MOTEL: A building or group of buildings containing between 15 and 30, in total, guest rooms designed and used primarily for the accommodation of transient automobile travelers for compensation. A Motel is not designed to become a long term dwelling unit.

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

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

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

OUTDOOR STORAGE: Outdoor storage is defined as any material or item stored outside for more than 24 hours and that is accessory to the use of the property.

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

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

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

PLANNED UNIT DEVELOPMENT: A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way.

PLANNING COMMISSION: The Eagleville Municipal Planning Commission.

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

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

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

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

RESIDENTIAL USE: A land use classification that permits dwellings and their accessory uses that are used primarily for residence.

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

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

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

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

SIGN: See **ARTICLE IV, Section 4.080** (Revised September 2011)

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying condition.

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

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

TEMPORARY USE: Any activity or use on a lot or parcel that is intended to exist on a temporary basis and not become permanent.

TEMPORARY OUTDOOR SALE: Any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares, or merchandise from a tent, vehicle, vending cart, or other area outside of a permanent structure. Temporary outdoor sales must be secondary to or incidental to the principal permitted use or structure existing on the property, and not incompatible with the intent of the district it is located.

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

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

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

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

YARD: A space on the same lot with the principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided for in this ordinance.

YARD, FRONT: The yard extending across the entire width of the lot between the front property line and a distance from the front property line prescribed by this Ordinance.

YARD, REAR: The yard extending across the entire width of the lot between the rear property line and a distance from the rear property line prescribed by this Ordinance.

YARD, SIDE: The yard extending across the entire width of the lot between the side property line and a distance from the side property line prescribed by this Ordinance.

ZONING ADMINISTRATOR: The official or employee responsible for implementing and enforcing the applicable building codes and standards for the City of Eagleville, Tennessee

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One Principal Building on Any Residential Lot
- 3.030 Lot Must Have Access to a Public Road
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Road
- 3.060 Corner Lots
- 3.070 Future Road Lines
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Address Numbers

3.010 SCOPE

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

3.020 ONLY ONE PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT

Only one principal building and its accessory structures may thereafter be erected on any residentially-zoned lot. This provision shall not apply to planned unit developments and group housing developments as permitted in this ordinance. On lots used for agricultural purposes which exceed fifteen acres, up to two additional dwelling units may be located for persons employed thereon and their families. The site of each dwelling unit shall meet all minimum lot and yard requirements of the district such that the site can be subdivided from the remaining acreage if necessary.

3.030 LOT MUST HAVE ACCESS TO A PUBLIC ROAD

All buildings and building lots shall have permanent access to a public road. This section shall not apply to:

- A. properties abutting a cul-de-sac, which shall abut the street for at least thirty (30) feet;
- B. properties that have the minimum required road frontage for the zoning district but whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other property, such easement shall be at least thirty (30) feet in width at all points and shall not be used to provide access to more than one (1) lot or tract of land;
- C. properties, developments, tracts, lots, etc. and the buildings thereon with permanent access provided by private streets that have been built to City standards, except that the width of the road may be determined by the Planning Commission as to what is necessary and sufficient for the development, provided such development is in the form of a condominium ownership or such private improvements which has been approved by the planning commission and will be in private ownership and control in perpetuity;
- D. or properties in C-1 and/or multi-family zones, which may have a lesser frontage requirement when so approved as a part of the site plan by the planning commission, considering other variables such as adequate ingress/egress to/from off-street parking.

3.040 REDUCTION IN LOT AREA PROHIBITED

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

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure.

3.050 REAR YARD ABUTTING A PUBLIC ROAD

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

3.060 CORNER LOTS

Setback requirements for corner lots are described in each respective zone section.

3.070 FUTURE ROAD LINE

For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Eagleville Major Thoroughfare Plan.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

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

3.090 ACCESS CONTROL

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

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

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

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street.
- C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
- D. No curbs or shoulders on city streets or rights-of-way shall be cut or altered without approval of the Eagleville Street Department, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100 ACCESSORY USE REGULATIONS

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

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

3.110 BUFFER STRIPS

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential or agricultural, the developer of said use shall provide a landscaped buffer strip at the point of abutment. Buffers are required between industrial and commercial districts. (See definitions section.) The buffer strip shall be no less than ten (10) feet in width.

ARTICLE IV**SUPPLEMENTARY PROVISIONS****SECTION**

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Group Housing Projects
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures

4.010 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One vehicle space shall be one hundred sixty-two (162) square feet in size (9 feet x 18 feet) and such space shall be provided with vehicular access to a street or alley. Handicapped parking spaces shall comply with the most current A.D.A. standards. Handicapped parking spaces may be counted toward the total required number of required spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. **Single Detached Dwelling and Duplex:** Not less than two (2) spaces for each dwelling unit.
- B. **Apartment, Townhouse, and Condominium:** Not less than two (2) spaces per dwelling unit.
- C. **Boarding Houses and Rooming Houses:** Not less than one (1) space for each one room to be rented.
- D. **Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- E. **Hotels, Motels and Other Tourist Accommodations:** Not less than one (1) space for each room to be rented plus one (1) additional space for each two (2) employees.
- F. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- G. **Manufacturing, Industrial or Wholesaling Use:** Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.

- H. **Office and Professional Buildings:** Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.
- I. **Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.
- J. **Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- K. **Gasoline Service Station:** Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1500) square feet of lot area or fraction thereof, whichever is greater.
- L. **Restaurants:** Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
- M. **Shopping Centers:** Five and one-half (5-1/2) parking spaces for each one thousand (1000) square feet of gross floor area.
- N. **Other Structures or Uses Customarily Requiring Automobile Storage Areas:** For buildings and other uses not listed, the off-street parking requirements shall be determined by the Planning Commission.

4.011 Certification of Minimum Parking Requirement

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

4.012 Combination of Required Parking Spaces

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

4.013 Requirements for Design of Parking Lots

- A. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of ARTICLE III, Section 3.090, of this ordinance.

- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. A parking lot for commercial or industrial uses containing ten (10) or more spaces shall be suitably paved with an all-weather wearing surface or dustless material.
- F. Site development requirements pertaining to the handicapped shall be constructed according to the current Illustrated Handbook of the Handicapped Section of the North Carolina State Building Code.
- G. Parking lots shall be designed and constructed in a manner that complies with applicable design review criteria.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is not alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building	Spaces Required (See ARTICLE II, for definition)
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

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

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the office of the Zoning Administrator. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

- A. **Carnivals or Circuses:** May obtain a Temporary Use Permit in the Commercial or Flood Districts; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall be permitted on lots where adequate off-street parking can be provided.
- B. **Limited Duration Good and Merchandise:** May obtain a thirty (30) day Temporary Use permit for the display and sale of limited duration goods and merchandise on open lots in any district.
- C. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. **Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Eagleville Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- E. **Religious Tent Meeting:** In any district except the Industrial districts, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- F. **Seasonal Sale of Farm Produce:** In any district except the Industrial districts, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilities for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be setback from the right-of-way.
- G. **Reserved for Future Use**
- H. **Temporary Dwelling Units in Cases of Special Hardship:** In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide modular home excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenal. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the State of Tennessee Department of Environment and Conservation and/or the Utility System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

- I. **Temporary Manufacture of Road Materials:** In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Eagleville Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

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

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Employment of persons not living on the premises shall be limited to one (1) individual. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. No accessory building shall be used for a home occupation nor constructed for the home occupation.

A home occupation is a limited activity conducted on premises that in no way alters the residential character of the structure. Home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as auto repair or any similar use shall not be considered as a customary incidental home occupation. Retail sales are not permitted except through limited mail distribution and specifically approved by the City Planner.

4.050 GASOLINE SERVICE STATION, SERVICE STATIONS, MOTOR VEHICLE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps and canopies shall not be located closer than twenty-five (25) feet to any right-of-way.
- C. Sign requirements as established in ARTICLE IV, Section 4.080, shall be met.

4.060 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons, walks shall protrude into any required front yard in the Residential Districts and must be a minimum of ten (10) feet from any property line. Swimming pools shall count in the overall maximum coverage of a lot.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall comply with the International Swimming Pool & Spa Code as adopted by the City of Eagleville or other such Code as may be adopted hereafter.

C. Private swimming pools are permitted in Residential and Commercial Districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guest of the property on which it is located.

4.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY HOUSING PROJECTS

This procedure shall be used in the case of a group housing project of two (2) or more residential buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided. The procedure applies to all proposals for multi-family (i.e., apartment and townhouse units) development whether such units are individually owned or held in common ownership. The reviewing agency for this plan is the Planning Commission.

4.071 Procedure for Submission and Review

A site development plan as specified in ARTICLE VII, Section 7.030, shall be permitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section.

4.072 Required Development Standards

The following shall apply to all developments subject to this provision:

A. Location

1. The site shall comprise a single lot or tract of land, except where divided by public streets.
2. The site shall abut a public street.

B. Density and Dimension

1. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
2. All yard requirements as established for the districts in which such use is permitted as applicable, except where buildings may be joined by common walls.

C. Design

1. **Internal Drives:** The maximum grade on any drive shall be seven percent (7%), unless an alteration is specifically approved by the planning commission.
 - a. Where feasible, all drive intersections shall be at right angles.
 - b. Minimum distance between buildings shall be thirty (30) feet at any point.

D. Public Street Access

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
2. The minimum distance between the center line of an access point and the nearest curb line or the street line of a public street intersection shall be one hundred (100) feet.

E. Required Improvements

1. **Internal Drives:** Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Eagleville Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
2. **Utilities:** The development shall be served with public utility systems adequate to assure fire protection and remove liquid waste via a central sewage collection and treatment facility if available.

3. **Storage of Solid Waste:** Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
4. **Service Building:** Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

4.080 STANDARDS FOR SIGNS, BILLBORDS, AND OTHER ADVERTISING STRUCTURES (Amended December 2011)

Purpose and Intent

It is the purpose of the section to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- A. Allow for the communication of information necessary for the conduct of commerce.
- B. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian, bicycle and vehicular traffic.
- C. Enhance the attractiveness and economic well-being of Eagleville as a place to live, vacation and conduct business.
- D. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- E. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- F. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify and residential or business location and the nature of any such business.
- G. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- H. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

4.080.1 Definitions

For the purpose of the section the following definitions shall apply. An individual sign may fall under more than one of the following definitions, e.g., illuminated, ground sign, temporary off premise sign, etc.

Abandoned sign. A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation for at least thirty (30) days, or advertises any product no longer being marketed or lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Attached Hanging Sign: Any sign suspended under an awning, canopy, or marquee.

Awning sign: Any sign that is part of, attached to, or made up of an awning or other protective cover over a door, entrance, or window of building, either retractable or non-retractable.

Banner sign:A flexible material such as cloth, paper, vinyl, etc., on which a sign is painted or printed.

Billboard sign: See off-premise sign.

Canopy sign: Any sign that is mounted painted or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area.

Changeable copy, automatic: A changeable copy sign or portion of sign on which the message can be changed through electronic or electro-mechanical means.

Changeable copy, manual: A changeable copy sign designed so that the message or copy can be manually changed frequently.

Commercial sign: Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to business, product, service or other commercial activity.

Construction sign: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

Dilapidated sign: A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign, temporary: A temporary sign erected for the sole purpose of providing directions.

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Front Façade: The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front façade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front façade. In cases where the building is oriented in a manner not parallel to the street, the primary entrance shall be used as the front façade.

Graphic sign: A sign painted directly on, carved in, or otherwise permanently embedded in the façade.

Ground [Freestanding] signs: Any sign supported by structures or supports that are anchored in the ground, and that are independent of any building including ground, pole or similar signs

Hanging sign: Any sign suspended under an awning, canopy, or marquee.

Illumination, internal: A light source within the sign.

Illumination, external: A light source which is not internal to the sign.

Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Kiosk sign: A free-standing structure located in the city rights-of-way that features the city identification panel at the top of each structure and displays directional information.

Low profile/monument sign: A freestanding sign not exceeding four (4) feet in height measured from the finished grade to the top of the sign.

Major Subdivision: A subdivision which contains five (5) lots or greater, as defined in the Subdivision Regulations adopted in the Town of Eagleville

Marquee sign: A sign that is mounted to a marquee.

Model complex signs: Shall apply to residential and multifamily projects located on the project site.

Multi-tenant sign: A sign that serves as a common or collective identification for two (2) or more uses on the same premises.

Non-commercial sign: Any sign not naming, advertising or calling attention to a business or commercial product, service or activity.

Nonconforming sign or sign structure: Any existing permanent sign or sign structure which does not conform to the provisions of this ARTICLE, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Off-premise sign: A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located, including but not limited to billboards.

Off-premise real estate signs: Signs intended to be used for the advertising of lots that need traffic to be directed to the lot for sales purposes.

On-premise sign: A sign which advertises goods, services, facilities, events or attractions available on the premises where the sign is installed and maintained.

Outline lighting: Attached neon tubing or fiber optic tubing which must be of constant intensity and uniform color placed on the exterior of a building.

Portable sign: A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

Projecting sign: A sign that is wholly or partly dependent upon a building for support and which projects more than one (1) foot from such building.

Real estate sign: A sign intended to advertise the financing, development, sale, transfer, lease, exchange, or rental of real property.

Sandwich Board Signs: Any sign of A-frame construction designed for placement on the sidewalk in front of the place of business being advertised, Sandwich Board Signs are generally two (2) sided.

Sign: Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing for visual communication intended to attract the attention of the public and visible from the public right-of-way.

Sign copy: Any combination of letter, numbers or graphic images which are intended to inform, direct or otherwise transmit information.

Sign face: The area or display surface used for the message.

Sign structure: Any structure that supports has supported or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign: An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Temporary sign: Any sign which by reason of construction or purpose is intended to be displayed for a short period of time, as allowed by this ARTICLE.

Wall sign: A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than one (1) foot from such building or structure.

Window sign: Any sign or graphic placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way, but excludes merchandise in a window display.

4.080.2 General Provisions

Substitution Clause

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this resolution. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

Computation of Sign Area and Height

The area of all signs allowed under this Section shall be computed as follows:

- A. The sign area shall be determined by computing the area of the smallest square, rectangle, circle, and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face. The sign area shall not include any supporting structure, up-rights or decorative bases or bracing.



- B. When two signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one such face shall be included in computing the total area of the sign. When two signs of the same shape and dimensions are mounted or displayed in a V-shaped, not back-to-back and parallel and where the angle of the “V” does exceed twenty-five (25) degrees, each such face shall be included in computing the total area of the signs.
- C. The height of all signs allowed under this ARTICLE shall be computed as follows:
 - a. The height of a ground sign shall be measured from the average level of the grade below the sign to the highest point of the sign face area or its supporting structure, whichever is greater.
 - b. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall not be higher than the maximum allowed building height. In the event that a multi-storied structure contains various tenants on each floor, the wall signs for each floor may not exceed the ceiling height for that specific floor level.
 - c. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.
 - d. Any creation of a berm, filling, or excavation solely for the purposes of locating the sign shall be computed as part of the sign height.

Setbacks and Placement

- A. Signs and sign structures shall be setback a minimum of five (5) feet from any right-of-way line.
- B. No sign shall be located within the vision triangle or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.
- C. Signs shall be located so as not to impair windows, doors or other means of ingress/egress.
- D. No sign shall be located within a public utility or drainage easement without written approval from the affected agencies.
- E. Clearance from electrical power lines shall be in accordance with the most recent National Electrical Safety Code (NESC) and any amendments thereto. NESC minimums are absolute minimums and local utilities may require additional clearance requirements.

Sign Illumination

- A. Not all forms of illumination are allowed in all zoning districts. Refer to Sections 4.084 for allowable forms of illumination by zoning district and sign type.
- B. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles.

Adherence to Applicable Codes

All signs shall comply with applicable provisions of the adopted building codes and state electrical code.

Nonconforming Signs

- A. The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When a property is redeveloped the signs on that property must be brought into compliance with the provisions of this ARTICLE.
- B. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

Changeable Copy

- A. Signs containing automatic changeable copy must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this Ordinance.
- B. Only one contiguous automatic changeable copy area is allowed on a sign face.
- C. All signs containing automatic changeable copy must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- D. All messages must change instantaneously without any special effects.
- E. The messages displayed must be static and complete in themselves, without continuation in content to the next message or to any other sign.
- F. Signs containing changeable copy messages shall not contain commercial messages other than those relating to the business on which it is located.
- G. Signs containing automatic changeable copy messages must remain fixed, static, motionless, and non-flashing for a period of at least eight (8) seconds for time, date or temperature displays and thirty (30) seconds for all other messages.

Section 4.080.3. Prohibited Signs

Except as may be authorized by this ARTICLE, the following signs shall be prohibited and may neither be erected nor maintained:

- A. Any sign for which a permit is required and has not been issued, excluding any existing legal nonconforming sign.
- B. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations, not including automatic changeable copy signs as regulated in this Section.
- C. Any sign that obstructs a clear view to and from traffic along any street right-of-way, entrance, or exit.
- D. Signs or sign structures located in the right-of-way, except as required by appropriate federal, state, city or county governmental authorities.
- E. Snipe signs.
- F. Any sign that obstruct free ingress and egress through a required door, window, fire escape or other required exit way.

- G. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- H. Windblown or inflated signs, not including flags as regulated in this Ordinance.
- I. Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from the public right-of-way where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicles or trailer.
- J. Abandoned or dilapidated signs.
- K. Signs that extend above the roof line.
- L. Signs which make use of words such as “stop”, “look”, “danger”, or any other words, phrases, symbols or character in such a manner as to resemble standard traffic control signs and interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area.
- M. Portable signs.
- N. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement.
- O. Video, continuous scrolling message, and animation signs.
- P. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way.
- Q. Any other sign which is not expressly allowed is prohibited.

Section 4.080.4 Allowed Signs

Signs Allowed in All Zoning Districts – No Permit Required

The following signs are allowed in all zoning districts and do not require a permit.

- A. Memorial signs and tablets displayed on public property or in cemeteries.
- B. Address numerals, nameplates (including apartment units and office suites) and signs bearing the same name of occupants of the premises not exceeding two (2) square feet in area.
- C. A traffic directional, warning or information sign authorized by any public agency, whether permanent or temporary.
- D. Incidental signs limited to five (5) square feet in sign area (Entrance/Exit).
- E. Signs related to an approved agricultural use not exceeding thirty-two (32) square feet. Maximum one (1) sign per property.
- F. Flag displaying noncommercial messages (Government flags, civic flags, decorative flags, etc.). No flag pole shall exceed the height and size requirements of the district in which they are located.
- G. Window Signs in which the total area of signage does not exceed ten (10) percent of the area of the window or any glass door to which they are visible.
- H. An official sign or notice issued or required to be displayed on private property by any court, public agency or public office, whether permanent or temporary.
- I. Scoreboards or advertising signage located on athletic fields if oriented toward the field of play
- J. Temporary signs, as regulated in Section 4.085 of this Section.

4.080.5 Signs allowed by Zoning District – Permit Required

Signs allowed in all **Residential Districts**, as established in ARTICLE V of this Ordinance, for legally established uses.

- A. Ground [Freestanding] signs
 1. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
 2. Number – One (1) per lot maximum
 3. Sign Area – Shall not exceed forty (40) square feet
 4. Height – Sign and sign structure shall not exceed eight (8) feet
 5. Illumination – External lighting and automatic changeable copy messages
 6. Changeable Copy – Twenty-five percent (25%) of the sign area may contain changeable copy messages

- B. Major residential subdivisions and multiple family dwelling developments
 1. Number – Two (2) per entrance maximum
 2. Sign Area – Shall not exceed forty (40) square feet
 3. Height – Sign and sign structure shall not exceed eight (8) feet
 4. Location – Signs are to be located in sign easements at the entrance to the development.
 5. Illumination – External lighting only
 6. Maintenance – Signs shall be landscaped and maintenance shall be provided via a homeowners association or similar legal instrument.

- C. Wall and Graphic signs
 1. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
 2. Number – square footage of signs shall not exceed total allowable square footage on the wall.
 3. Sign Area – Total allowable square footage is three (3) square feet for each linear foot of building frontage, not to exceed forty (40) square feet maximum.
 4. Illumination – External lighting only

- D. Major Home Based Businesses
 1. Number – One (1) per lot maximum
 2. Sign Area – Shall not exceed five (5) square feet
 3. Illumination – Not allowed

- E. Flags containing commercial messages
 1. Non-residential uses, major residential subdivision entrances or amenity areas or multiple family dwelling developments
 2. Number – Two (2) per lot maximum
 3. Sign Area – Shall not exceed thirty-two (32) square feet per flag
 4. Height – Sign and sign structure shall not exceed sixteen (16) feet
 5. Illumination – Not allowed

4.080.6 Signs allowed in C-1 Central Business District, as established in ARTICLE V of this Resolution, for legally established uses.

- A. Building Facade

1. Primary façade. On the primary building façade, as determined by the property owner, of a building that is occupied by a single business there shall be only one (1) of the following sign types: A Wall Sign, a Low Profile/Monument Sign; or a Projecting Sign.
2. Secondary building façade. Wall signs shall be limited to one (1) wall sign per secondary façade and a maximum of twenty-five (25) square feet in size per sign.



Awning, Canopy

B. Awning, Canopy, and/or Marquee Signs

Awning, canopy, and/or marquee signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – An awning, canopy, or marquee sign shall not be constructed or erected prior to the issuance of sign permit.
2. Place – Awning, canopy, and marquee signs are allowed in the Commercial District.
3. Manner – Projecting signs shall have a maximum area of twenty (20) square feet in size.
4. Applicable design review criteria.



Banner

C. Banner Signs

Banner signs are permissible and subject to the following conditions:

1. Time – A banner sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Banner signs are allowed for a maximum period of thirty (30) consecutive days, two (2) times per calendar year.
2. Place – Banner signs are in addition to any other sign allowed by this chapter. Banner signs must be firmly anchored or secured to the building structure.
3. Manner – Banner signs are allowed up to twenty (20) square feet aggregate total. All banner signs shall be kept in good repair.

D. Construction Signs

Construction signs are permissible and subject to the following conditions:

1. Time – A construction sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. A construction sign shall not be erected until a building permit has been issued and shall be removed within fourteen (14) days after the issuance of a Certificate of Occupancy.
2. Place – One (1) construction sign shall be allowed per building site.
3. Manner – The sign shall not exceed thirty-two (32) square feet in area and shall not exceed ten (10) feet in height measured from grade.

*Directional*

E. Directional Signs

Directional signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – A directional sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.
2. One (1) on premise entrance, exit and directional sign shall be allowed at each driveway location with a minimum setback of three (3) feet from the property line. On-premise entrance, exit and directional signs are allowed pursuant to an approved sign plan.
3. Manner – Such signs shall not exceed two (2) feet in height from finished grade and four (4) square feet in sign area.
4. Applicable design review criteria.

*Hanging*

F. Hanging Signs

Hanging signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – A hanging sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.
2. Place – Hanging signs are designed for installation under an awning or canopy above the sidewalk. There shall be a minimum clearance of seven (7) feet between the sidewalk surface and the bottom of the sign.
3. Manner – Hanging signs shall have a maximum height of three (3) feet foot and be no longer than a maximum of fifty percent (50%) of the awning or canopy width. Hanging signs shall be aligned perpendicular with the building entrance.
4. Applicable design review criteria.

*Kiosk*

G. Kiosk Signs

Kiosk signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – A kiosk sign shall not be installed, constructed or erected prior to the issuance of a sign permit.
2. Place – Kiosk signs shall only be located in city rights-of-way. Kiosk sign locations shall be those locations approved by the City Council. Kiosk signs shall not be allowed in medians.
3. Manner – Kiosk sign design is subject to applicable design review criteria.
4. Planning Commission shall seek input from public safety staff relative to location, size, and recommendations, if any.



Low Profile/Monument

H. Low Profile/Monument Signs

Low profile/monument signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. A low profile/monument sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.
2. Place – Low profile/monument signs shall not be closer than three (3) feet to property lines measured from the leading edge of the sign.
3. Manner – Such signs shall be a maximum of forty (40) square feet in area. The low profile/monument sign must be placed on the side of the building designated at the primary façade.
4. Applicable design review criteria.



Model Complex

I. Model Complex Signs

Model complex signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – A model complex sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Signs shall be removed when the model complex ceases to be used as a model.
2. Place – Minimum setback not less than ten (10) feet measured from the leading edge of the sign.
3. Manner – One (1) sign per model not to exceed six (6) square feet. Two (2) directional signs not to exceed four (4) square feet each. One (1) sign per complex not to exceed thirty-two (32) square feet. Maximum height of signs not to exceed ten (10) feet. Signs may not obstruct visibility.
4. Applicable design review criteria.



Off-Premise Real Estate

J. Off-Premise Real Estate Signs

Off-premise real estate signs are permissible and subject to the following conditions:

1. Time – An off-premise real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Off-premise real estate signs shall be removed within fourteen (14) days after the subdivision has been built out or if construction within the subdivision ceases for a period of three (3) months. Temporary, directional real estate signs shall comply with Section 4.085.
2. Place – Off-premise real estate signs shall be set back from all property lines a minimum of ten (10) feet measured from the leading edge of the sign.
3. Manner – Three (3) off-premise real estate signs not exceeding twenty (20) square feet per sign shall be allowed per subdivision. Off-premise real estate signs shall not exceed ten (10) feet in height measured from grade. Off-premise real estate signs shall require landowner permission prior to permitting. Off-premise real estate signs shall have no effect on the number and size of signs allowed on a property in accordance with this ARTICLE.



K. Projecting Signs

Projecting signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – A projecting sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.
2. Place – Projecting from an elevation of a building and only from the primary building façade. No wall sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.
3. Manner – Projecting signs shall not exceed an area of fifteen (15) square feet in size per sign face. There shall be no more than two (2) sign faces. The maximum projection shall be five (5) feet and the maximum thickness shall be five (5) feet. The lowest point of any sign, which extends over an area intended for vehicular use, shall not be less than fourteen (14) feet above the finished grade below it. The lowest point of any sign, which extends over an area intended for pedestrian use, shall not be less than seven (7) feet above the finished grade below it.
4. Applicable design review criteria.



Real Estate

L. On Premise Real Estate Signs

Real estate signs are and subject to the following conditions:

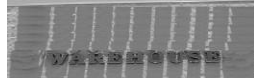
1. Time – A real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit, except that standard 18" by 24" real estate signs shall not require a permit or preapproval when limited to one per road frontage and placed outside of the right of way.
2. Place – Real estate signs are allowed on lots or parcels of land. Setbacks shall be a minimum of ten (10) feet from all property lines measured from the leading edge of the sign, provided however that in the event a building is located closer than ten (10) feet to the front property line, one (1) real estate sign may be placed on the interior of a window that is adjacent to a city street.
3. Manner – For lots or parcels of one (1) to five (5) acres, one (1) sign per street frontage, not to exceed sixteen (16) square feet per sign may be allowed and shall not exceed ten (10) feet in height measured from grade.

M. Sandwich Board Signs

Sandwich Board Signs are permissible subject to the following conditions:

1. Time – One (1) sandwich board sign per property or per ground floor commercial unit is allowed without need for permit subject to these conditions. Sign use/placement shall be limited to open, operating, daylight hours of the applicable business. Sandwich board signs are considered temporary and meant for occasional, special use only. Constant use of such a sign is prohibited.

2. Place – A sandwich board sign shall be placed in such a fashion as to maintain a clear pedestrian route along the sidewalk in accordance with appropriate federal or state accessibility standards. Sandwich board signs are only allowed on the property of the business for which the sign is advertising.
3. Manner – A sandwich board sign shall have a maximum area of six (6) square feet in size per sign face and no more than two (2) feet in width.



N. Wall Signs

Wall signs are permissible upon approval by the Planning Commission and subject to the following conditions:

1. Time – A wall sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.
2. Place – The exterior wall elevation of a commercial building. No wall sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.
3. Manner – Wall signs on a primary building façade shall be a maximum of fifty (50) square feet in size. Wall signs on a secondary building façade shall be a maximum of twenty-five (25) square feet in size.
4. Applicable design review criteria

O. Window Signs

Window signs are permissible upon staff approval and subject to the following conditions:

1. Time – A window sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.
2. Place – Applied or attached to the exterior or interior of a window or within one (1) foot of the interior of the window.
3. Manner – A window sign is limited to a maximum of thirty percent (30%) coverage of the total glass area of the window on which it is placed.

4.080.7 Signs allowed in all **C-2 General Commercial Districts** and **Industrial Districts**, as established in ARTICLE V of this Resolution, for legally established uses.

A. Ground [Freestanding] signs

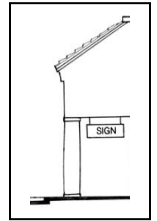
1. Number – One (1) per street frontage maximum with a minimum sign separation of fifty (50) feet measured from the closest edge of each sign
2. Sign Area – shall not exceed fifty (50) square feet; or a property with multi-tenants shall not exceed one hundred (100) square feet
3. Height – shall not exceed ten (10) feet
4. Illumination – Internal and external lighting
5. Changeable Copy – Fifty percent (50%) of the sign area may contain changeable copy messages
6. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

B. Wall and Graphic signs

1. Number – Square footage of signs shall not exceed total allowable square footage on the wall.
2. Sign Area – Total allowable square footage of wall and graphic signage shall not exceed ten (10) percent of the front façade. For a property with multi-tenants the total allowable square footage of wall and graphic signage shall not exceed ten (10) percent of the front façade of the tenant space. The total sign area shall be the sum of all signs on the wall including signs on the wall surface, projecting signs, graphic signs, and awnings.
3. Illumination – Internal and external lighting
4. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

C. Projecting signs

1. Sign Area – Shall not exceed eighteen (18) square feet in area. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.
2. Height – Shall not exceed the roofline of the building, but shall have a minimum clearance from the bottom of the sign to grade of at least ten (10) feet and shall not constitute a hazard or impediment to pedestrians.
3. Illumination – Internal lighting only
4. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.



D. Attached hanging signs

1. Maximum of one (1) per building face per tenant
2. Maximum sign area of three (3) square feet, with an aggregate of six (6) square feet
3. Minimum of ten (10) feet off the ground, and the maximum height shall be at the roofline
4. Shall not extend beyond four (4) feet from the building.
5. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

E. Awning signs

Sign Area – Shall not exceed eighteen (18) square feet in area. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

1. Height – Shall not exceed the roofline of the building, but shall have a minimum clearance from the bottom of the sign to grade of at least ten (10) feet and shall not constitute a hazard or impediment to pedestrians. Any fabric awning valance may not extend more than one (1) foot below the rigid mount of the awning.
2. Location – The sign shall be flat against the surface of the awning. Only one (1) sign is allowed over each door or window. For a property with multi-tenants only one (1) sign is allowed per tenant.
3. Illumination – Not allowed
4. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

F. Canopy signs

1. Number – One (1) sign per canopy face
2. Sign Area – Shall not exceed fifteen (15) square feet per canopy face

3. Height – The sign shall not extend beyond the vertical edge of the canopy to which it is attached
4. Illumination – Internal lighting only
5. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

G. Flags containing commercial messages

1. Number – Three (3) per lot maximum
2. Sign Area – Shall not exceed thirty-two (32) square feet per flag
3. Height – Sign and sign structure shall not exceed twenty-four (24) feet
4. Illumination – External lighting only
5. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

H. Outline lighting

1. Sign Area – Three (3) linear feet of outline lighting per one (1) linear foot of building frontage
2. Height – Twenty-four feet (24') maximum when within two hundred feet (200') of a residential zone, otherwise N/A
3. Non-message design elements are subject to the advance approval of the Planning Commission according to any applicable design review criteria.

4.085 Temporary Signage

A. Residential Areas

In addition to the other signs identified herein, temporary non-commercial signage may be posted on any lot in a residential district at any given time. Temporary signage shall adhere to the following;

1. Any such signs shall be removed within forty-eight (48) hours of no longer serving a purpose.
2. Sign area for lots of five (5) acres or less – thirty-two (32) total square feet maximum, which may be divided into a maximum of four (4) signs, provided that no single sign may exceed sixteen (16) square feet in area.
3. Sign area for lots exceeding five (5) acres – thirty-two (32) square feet maximum, which may be contained on one sign or multiple signs.
4. Sign height for all lots – Six (6) feet maximum for freestanding signs.
5. Illumination of temporary signage is prohibited.
6. Temporary signs are not allowed in the right-of-way and shall meet the setback and placement guidelines located in Section 4.080.2.

B. Commercial/Industrial Areas

Temporary signs in Commercial/Industrial areas shall be limited to two (2) per lot at any given time. Temporary signage shall adhere to the following:

1. Portable signs are prohibited.
2. Any such signs shall be removed within forty-eight (48) hours of no longer serving a purpose.
3. Sign area – Thirty-two (32) square feet sign maximum, which may be divided by a maximum of two (2) sign faces.
4. Sign height – Six (6) feet maximum for freestanding signs.
5. Illumination of temporary signage is prohibited.

6. Temporary signs are not allowed in the right-of-way and shall meet the setback and placement guidelines located in Section 4.080.2.

C. Directional Signs

Temporary Directional Signs are allowed in all zoning districts using the criteria of Section 4.085 A and B. In addition, the following criteria:

1. In order to avoid the placement of a series of signs along several miles of roadway, no more than five (5) signs shall be allowed per event. No more than two (2) temporary directional signs advertising the same event may be on one (1) lot.
2. Up to four (4) directional signs are allowed per intersection. Each event is allowed only one (1) sign per intersection. If the number of signs at an intersection exceeds four (4), all directional signs may be removed by an Enforcement Officer.

Section 4.086. Permitting Procedure

A. Permit Required

Unless specifically allowed by Section 4.080.4, no sign shall be erected, altered, or relocated after the effective date of this resolution until a sign permit has been secured. The permit process is intended to review compliance with height, dimensional, construction and other similar provisions of this resolution. It is not intended to review the content of the message to be displayed.

B. Application

Applications for sign permits shall contain the following information:

1. Application Form – Prior to obtaining a sign permit from Eagleville City Hall, an applicant shall obtain a signage compliance form from City Hall. The application shall contain the following information:
 - a. Name, address, phone, and if available, fax and e-mail of the property owner;
 - b. Name, address, phone, and if available, fax and e-mail of sign contractor/applicant;
 - c. Address of the property where sign will be located;
 - d. Identification of the type of sign (wall, ground, etc.);
 - e. Name of the business to which the sign belongs;
 - f. Description of sign plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications.
 - g. The zoning district in which the sign is to be placed;
 - h. A notice stating: "Any change in the information in this application shall be submitted to the department within seven (7) days after the change." Unapproved changes shall result in the signage compliance form being void.
 - i. Any other information deemed necessary to determine compliance with these sign regulations.
 - j. Scaled site plan showing location of the sign on the site with setbacks accurate dimensioned. The site plan should also show the location of all existing buildings, roads, parking areas, signs, and entrances/exits on the site.
 - k. Two (2) copies of a scaled schematic of the proposed sign showing:
 - I. Height of the finished sign above finished grade;
 - II. Surface of the sign (material, color and dimensions);
 - III. Dimensions and display area of the proposed sign;
 - IV. Any proposed illumination;

- V. Additional information as deemed necessary to ensure compliance with these regulations.

- C. Review Procedures
 1. Applications for sign permits shall be reviewed for compliance with the resolution by the Codes staff. Applications will be considered incomplete if they lack any of the information listed in ARTICLE 4.086.B. and will not be reviewed. After acceptance of a complete application, the staff shall inform the applicant within fourteen (14) days whether the application is either approved or denied.
 2. Reasons for denial shall be made in writing to the applicant.
 3. Approved applications shall receive a sign permit from City Hall.

- D. Permit fees
Permit fees for signs shall be established by resolution by the City of Eagleville City Council.

- E. Inspections required
The Building Codes Department shall require all ground signs to have a location inspection prior to issuance of a building permit to assure location and setback compliance. Footing inspection required for all ground signs before pouring concrete.

- F. Permit Expiration
 1. Sign permits shall become null and void six (6) months from the original date of issuance if the work authorized under the permit has not been commenced by that time.
 2. Sign permits for projects that have been commenced but not completed and which no work has been done for over six (6) months will also become null and void.
 3. Sign permits which have become null and void will need to follow the application procedures in this Section for re-approval.

ARTICLE V**ZONING DISTRICTS****SECTION**

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Residential District Regulations
- 5.050 Commercial District Regulations
- 5.060 Industrial District Regulations
- 5.070 Floodplain District Regulations
- 5.080 Planned Developments

5.010 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, the following zoning districts are hereby established in Eagleville, Tennessee.

A. Residential Districts

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District

B. Commercial Districts

- C-1 Central Business Commercial District
- C-2 General Commercial District

C. Industrial Districts

- I-1 Light Industrial District
- I-2 Heavy Industrial District

D. F-1 General Floodplain Districts**5.020 ZONING MAP**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map, entitled Zoning Map of Eagleville, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted Zoning map and zoning map amendments shall be maintained in the office of the Zoning Administrator and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Eagleville boundary lines as they exist at the time of the enactment of

the zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Eagleville Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

5.040 RESIDENTIAL DISTRICT REGULATIONS

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

5.041 R-1, Low Density Residential

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, this district will consist of single-family detached dwellings and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of the district, or which are benefited by the compatible with an open residential environment without creating objectionable or undesirable influences upon such development. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

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

1. Detached single-family dwellings, prefabricated modular homes (excluding manufactured homes).
2. Customary accessory buildings, including private garages, garden sheds, and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line. Any customary accessory building larger than two hundred (200) square feet and/or taller than fifteen (15) feet must meet the setbacks for the principal structure. ~~(Agricultural accessory structures to be address in Agricultural Regulations.)~~
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five feet to any lot line. Agricultural accessory structures shall be regulated to their location on all lots as provided in ARTICLE III, Section 3.100 of this ordinance.
4. Customary incidental home occupations, as regulated in ARTICLE IV, Section 4.040.
5. Agricultural uses.
6. Signs, as regulated in ARTICLE IV, Section 4.080.

C. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in the R-1, Low Density Residential District, after review and approval by the Board of Zoning Appeals in accordance with ARTICLE VII, Section 7.070.

1. Public uses, including but not limited to local, state, or federal uses, such as schools (public & private), public and semi-public recreational facilities, museums, office buildings, and utilities.
2. Community Assembly, i.e., churches, civic, social, fraternal, and philanthropic associations.
3. Golf courses, country clubs, or recreational facilities.
4. Bed and Breakfast establishments.
5. Day Care Homes and Group Homes.
6. Cemeteries.
7. Transmission and Communication Towers and Stations.
8. Accessory Non-Residential Use, as regulated in Article VII, Section 7.070

D. Uses Prohibited

Any use not specifically permitted, including short term rentals, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

E. Dimensional Requirements

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

1. Minimum Lot Size

Area	2 acres
Lot Width at Required Front Building Setback	100 feet
Lot Width at road frontage	50 feet (35 feet in a cul-de-sac)

2. Minimum Yard Requirements

Front Yard Setback	60 feet*
Side Yard Setback	30 feet
Rear Yard Setback	25 feet

*Article VI, Section 6.050 describes front setback requirements further for properties where neighboring/nearby properties have established standard front setbacks.

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty percent of the total area.

4. Height Requirements

No principal building shall exceed thirty-five feet in height, except as provided in ARTICLE VI, Section 6.030.

5. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010.

5.042 R-2, Medium Density Residential District**A. District Description**

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

B. Uses Permitted

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

1. Detached single-family dwelling, prefabricated modular homes (excluding manufactured homes).
2. Duplex dwellings.
3. Customary accessory buildings, including private garages, garden sheds, and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line. Any customary accessory building larger than two hundred (200) square feet and/or taller than fifteen (15) feet must meet the setbacks for the principal structure. ~~(Agricultural accessory structures to be address in Agricultural Regulations.)~~
4. Customary incidental home occupations, as regulated in ARTICLE IV, Section 4.040.
5. Signs, as regulated in ARTICLE VI, Section 4.080.

C. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in the R-2, Medium Density Residential District, after review and approval by the Board of Zoning Appeals in accordance with ARTICLE VII, Section 7.070.

1. Public uses, including but not limited to local, state, or federal uses, such as schools (public & private), public and semi-public recreational facilities, museums, office buildings, and utilities.
2. Community Assembly, i.e., churches, civic, social, fraternal, and philanthropic associations.
3. Bed and Breakfast establishments.
4. Day Care Homes and Group Homes.
5. Cemeteries.
6. Residential Specified Animal Use, as regulated in Article VII, Section 7.070
7. Transmission and Communication Towers and Stations.
8. Accessory Non-Residential Use, as regulated in Article VII, Section 7.070

D. Uses Prohibited

Any use not specifically permitted, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

E. Dimensional Requirements

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

1. Minimum Lot Size

Area	With Public Sewer	Without Public Sewer
Single Family	15,000 sq. ft.	20,000 sq. ft.
Duplex, Non Single Family and Special Permit Uses	30,000 sq. ft.	40,000 sq. ft.
Lot Width at Required Building at Setback Line	75 feet	100 feet
Lot Width at road frontage	75 ft. (35 ft. in a cul-de-sac)	100 ft. (35 ft. in a cul-de-sac)

2. Minimum Yard Requirements

Single Family

Front Yard Setback	35 feet*
Side Yard Setback	15 feet
Rear Yard Setback	20 feet

Duplex and Special Permit Uses

Front Yard Setback	40 feet
Side Yard Setback	25 feet
Rear Yard Setback	30 feet

* Article VI, Section 6.050 describes front setback requirements further for properties where neighboring/nearby properties have established standard front setbacks. **NEED TO DELETE**

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation. **I'm good with ths.**

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty percent of the total area.

4. Height Requirements

No principal building shall exceed thirty-five feet in height, except as provided in ARTICLE VI, Section 6.030.

5. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010.

5.043 R-3, High Density Residential District

A. District Description

This district is designed to provide suitable acres for high density residential development where sufficient urban services, specifically including water services adequate to provide fire protection and public water service is available or where the extension of such services and faculties will be physically and economically facilitated. Most generally this district will be characterized by single-family and duplex dwellings. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance. All such uses in the R-3 Zone must be connected to the Eagleville STEP system. All uses in R-3 must meet the design criteria of Sec 5.080 Planned Developments.

B. Uses Permitted

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

1. Duplex dwellings, and modular homes on individual lots.
2. Reserved for Future Use.
3. Day Care Homes and Group Homes
4. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
5. Customary incidental home occupations, as regulated in ARTICLE IV, Section 4.040.
6. Signs, as regulated in ARTICLE IV, Section 4.080.

C. Uses Permitted as Special Exceptions

Any use not specifically permitted, included short term rentals, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited. All uses in the R-3 special exception category must meet the design criteria of Section 5.080

D. Uses Prohibited

Any use not specifically permitted, including short-term rentals, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

E. Dimensional Requirements

All uses permitted in the R-3, High Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Duplex Dwelling Unit	15,000 sq. ft.
Special Permit Uses	20,000 sq. ft.

Minimum Lot Width at Required Front Building Setback

Duplex Dwelling Unit	100 ft.
Special Permit Uses	100 ft. (unless otherwise required)

<u>Minimum Lot Width at Road Frontage</u>	
All Uses	100 feet (35 ft. in a cul-de-sac)

2. Minimum Yard Requirements

Duplex Dwellings

Front Yard Setback	30 ft.*
Side Yard	10 ft.
Rear Yard	20 ft.

Special Permit Uses

Front Yard Setback	60 ft.*
Side Yard	25 ft.
Rear Yard	30 ft.

* Article VI, Section 6.050 describes front setback requirements further for properties where neighboring/nearby properties have established standard front setbacks.

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation.

3. Maximum Lot Coverage

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

4. Height Requirements

No principal building shall exceed thirty-five (35) feet in height. Exceptions to these provisions are provided in ARTICLE VI, Section 6.030, of this ordinance.

5. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010.

5.050 COMMERCIAL DISTRICT REGULATIONS

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

5.051 C-1, Central Business District

A. District Description

This district is established to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. This district is designed to provide

adequate space in appropriate locations for uses which serve the needs of the regular and local shopping. Relatively high density and intensity of use as well as structuring these regulations to permit maximum pedestrian movement is intended. This district is found near the major transportation interchange in the downtown area of Eagleville.

B. Uses Permitted

Uses Permitted By Site Plan Approval of the Planning Commission unless no change in use:

1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public right-of-way
2. Government buildings and community centers
3. Convenience commercial, including barber and beauty shops, drug and grocery stores, and hardware stores
4. Churches and other places of assembly
5. Restaurants
6. Day Care Centers
- ~~7. Hotels and motels~~ Reserved
8. Professional offices, such as lawyers and accountants.
9. Business offices, such as real estate, insurance, and finance
10. Antique and gift shops
11. Banks
12. Funeral Homes and mortuaries
13. Furniture and home furnishings stores
14. Newspaper and printing shops
15. Medical facilities and services (excluding hospitals and nursing homes), including medical offices, clinics, analytical, rehabilitative, and long-term care facilities.
- ~~16. Upper story residential dwellings*~~ Reserved
17. Except where exempted herein, storage shall be located inside a building and shall comply with the following standards:

a. Exemptions

- 1) The following forms of outdoor storage may be located outside of a building, and may not be required to be fully covered or screened:
 - i. Reserved
 - ii. Vehicles or farm equipment for sale or lease; and
 - iii. Lumber & building materials storage yards secured by a fence; and
 - iv. The storage of live vegetation provided the location and extent of the area used for such storage is indicated on the Site Plan.
- 2) The following form of outdoor storage located outside of a building is not required to be fully covered, but shall be fully screened:
 - i. Storage of equipment or material related to Local, State or Federal government facilities.

b. Location

- 1) Except where exempted herein, storage shall be located inside of a building or located to the rear of the building and not visible for the right-of-way, in a shed or similar structure or screened with a privacy fence or vegetation;
 - 2) Outdoor storage areas shall be prohibited in front yards, required parking spaces, fire lanes, traffic aisles, or areas intended for pedestrian circulation.
 - 3) Except for vehicles or farm equipment for sale or leased, outdoor storage activities shall not take place within required setbacks.
- c. Screening Required
- 1) Except where exempted by subsection herein, or where located completely inside a building, outdoor storage areas shall be screened from view.
- d. Prohibited Storage
- 1) The following forms of outdoor storage:
 - i. Storage truck, trailer, covered container, or similar container, whether on wheels or stationary except during construction of a project;
 - ii. Outdoor storage of trash or other debris;
 - iii. Furniture, other than lawn furniture commonly associated with garden/lawn furniture, and other household goods;
 - iv. Outdoor storage of wood or other attractive nuisances; and
 - v. The outdoor storage of unlicensed vehicles, whether operable or otherwise.
- e. Outdoor Sales Area – Outdoor Sales Areas must meet the following criteria unless otherwise approved by the Planning Commission.
- 1) Outdoor sales areas associated with retail or commercial uses, shall:
 - i. Be located immediately adjacent to the front building façade;
 - ii. Not encroach into areas used for ingress and egress into the structure;
 - iii. Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display;
 - iv. Take place only on an improved surface such as the sidewalk or pavement: and
 - v. Must be held only during store open hours.
- C. Accessory Uses and Structures
1. Signs in compliance with the regulations set forth in ARTICLE IV, Section 4.080
 2. Accessory off-street parking and loading facilities as required in ARTICLE IV, Section 4.010
 3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- D. Uses Permitted as Special Exception
- In the C-1, Central Business District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with ARTICLE VII, Section 7.070:

1. Parking lots and parking garages for the general public, not including parking lots for individual business.
2. Manufacturing, provided such activity does not exceed the definition of Light Industry, as defined in ARTICLE II, Section 2.020.
3. Bed and Breakfast establishments
4. Transmission and Communication Towers and Stations.
5. Commercial (C-2) uses where the business/organization proposed is considered to have a minimal impact, more typical of a C-1 use, in terms of parking, employees present, anticipated customer traffic, and other factors, and where the location's character lends itself well to the proposed use. The planning commission shall specify conditions that may apply based on such factors.
6. Produce Stand: Shall be limited to the retail sale of agriculture produce, shall not exceed 750 square feet in area; must show provision for adequate ingress, egress, and off-street parking areas; and be subject to the sign standards in Section 4.080, Signs

E. Uses Prohibited

In the C-1, Central Business Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-1, Central Business Commercial District, shall comply with the following requirements.

1. Minimum Lot Size

No minimum lot size shall be required in the C-1 District. No minimum lot width at building setback or at road frontage shall be required in the C-1 District.

2. Minimum Yard Requirements

Front Yard – Ten (10) feet. If a building or buildings on an adjacent lot or lots provide front yards less than 10 feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Where on street parking and sidewalks are present, the Planning Commission may also impose a maximum front yard setback, encouraging more street-facing, downtown typical development in the C-1 zone.

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation.

Rear Yard – Twenty (20) Feet

Side Yard – None is required. A property owner that builds on or within ten feet of a property line must obtain from the adjoining property owner a permanent easement for the purposes of construction and maintenance.

3. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

4. Height and Size Requirements

No principal structure shall exceed forty (40) feet in height or two stories, except as provided in Article VI, Section 6.030. No principal structure shall exceed 4,000 total square feet, measured from outside wall to outside wall.

5. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010, except that public, on-street parking spaces typical of C-1 zones, and directly adjacent to the property, may be considered in the number of spaces available to that property. This exception does not apply to the spaces required for residences, which must be off-street. This exception does not allow any on-street ADA compliant spaces to be counted toward those of any adjacent property's own requirement.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, rear lot line, and shall meet the front setbacks for the zone. Such structures must be a least five (5) feet from any building on the same lot. Accessory Structures shall not exceed one half of the size of the principal building and be no taller than the principal building, except as provided for in Article VI, Section 6.030. An accessory structure may be larger than stated above if there is a proven need for the size as determined by the Planning Commission. Any accessory structure that is larger than one-half the size of the principal building and/or taller than the principal building must meet the same setbacks as a principal building.

7. Landscaping

For properties that abut or are adjacent to a residential district, there shall be screening along those affected property lines. The screening shall be a Buffer Strip, as defined in ARTICLE II, Section 2.020. Depending on the intensity of the commercial use, a privacy fence may be required by the Planning Commission in addition to the buffer strip, or may be substituted for the buffer strip, depending upon the circumstances involved.

8. Sidewalks

The City of Eagleville requires that the Central Business District be pedestrian-friendly and equipped with a common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3-1/2) feet.

All new commercial establishments shall dedicate adequate area to accommodate a sidewalk and connect to the common walk system.

Such sidewalks shall be designed with safe, convenient, handicapped-accessible, and all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

5.052 C-2, General Commercial District

A. District Description

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service

establishments, transient sleeping accommodations, and dining establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting this district. Community facilities and utilities necessary to serve this district, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in this district, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Eagleville and to provide for necessary off-street parking and loading. All new commercial lots shall front on either arterial or collector roads as indicated on the Eagleville Major Thoroughfare Plan.

B. Uses Permitted.

Uses permitted by site plan approval of the Planning Commission unless no change in use:

1. Government services, including city, county, State and Federal offices, fire and police departments, court buildings and post offices.
2. Community assembly, including civic, ~~social~~, fraternal and philanthropic institutions, and temporary nonprofit festivals.
3. Cultural and recreations services, including libraries, museums, parks and playgrounds, gymnasiums and swimming pools.
4. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
5. Health care facilities, including rehabilitation center, convalescent homes, hospitals and medical clinics.
6. Reserved
7. Animal care and veterinarian clinics – no outdoor kennels or runs permitted.
8. Signs and billboards as regulated in ARTICLE IV, Section 4.080
9. Parking lots and garages for the general public
10. Sale or rental of automobiles, boats, motorcycles and or motorized vehicles
11. Reserved for future use.
12. Reserve For Future Use
13. Consumer repair services, including appliances, furniture and other types of personal equipment
14. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses
15. Entertainment and amusement centers, including auditoriums, theaters, bowling alleys and billiard hall
16. Financial, consulting and administrative services
17. Restaurants
18. General business and communication services
19. Personal service establishments
20. Reserved for future use
21. Retail sale of general merchandise items
22. Medical professional offices
23. Reserved for future use
24. Wholesale sales of consumer goods
25. Funeral and cemetery services
26. Day Care Centers

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in ARTICLE IV, Section 4.080
2. Accessory off-street parking and loading facilities as required in ARTICLE IV, Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exception

In the C-2, General Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with ARTICLE VII, Section 7.070.

1. Bed and Breakfast establishments.
2. Manufacturing, provided such activity does not exceed the definition of Light Industry, as defined in ARTICLE II, Section 2.020.
- ~~3. Commercial Camp Grounds and Resorts Reserved~~
4. Reserved for Future Use
5. Transmission and Communication Towers and Stations.
6. Automotive service and repairs, including the sale of gas, oil, tires, and other goods and services required in the operation of automobiles.
7. Mini-storage, self-storage, and other storage units
8. Hotels
9. Produce Stand: Shall be limited to the retail sale of agriculture produce, shall not exceed 750 square feet in area; must show provision for adequate ingress, egress, and off-street parking areas; and be subject to the sign standards in Section 4.080, Signs
10. Sales of building materials, farm equipment and supplies, and lawn and garden supplies.

E. Uses Prohibited

In the C-2, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-2, General Commercial District, shall comply with the following requirements:

1. Minimum Lot Size

No minimum land area shall be required in the C-2 District, where public water and sewer service is available. Where only public water is available, there shall be a minimum land area of 20,000 square feet.

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

2. Minimum Yard Requirements

Front Yard Setback 50 ft.*
 Side Yard 10 ft.

Except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet, and except where the side yard abuts a C-1 property with no setback requirement in which case the side setback minimum for that side is also zero (0) feet.

Rear Yard 20 ft.

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

* Article VI, Section 6.050 describes front setback requirements further for properties where neighboring/nearby properties have established standard front setbacks. The Planning Commission reserves the right to approve alternate setbacks in the site plan process if/when unique development proposals bring design concepts that may warrant such consideration.

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation.

3. Maximum Lot Coverage

All lots must maintain a minimum of fifteen (15) percent green space.

4. Lot Width

No lot shall be less than one hundred (100) feet wide, at the required building setback line.

Minimum Lot Width at Road Frontage 100 ft. (35 ft. in a cul-de-sac)

5. Height and Size Requirements

No principal structure shall exceed forty (40) feet in height or three stories, except as provided in Article VI, Section 6.030. No principal structure shall exceed 10,000 total square feet, measured from outside wall to outside wall.

6. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010.

7. Accessory Structures

Accessory Structures shall be located at least ten (10) feet from any side lot line, rear lot line, and shall meet the front setbacks for the zone. Such structures must be a least ten (10) feet from any building on the same lot. Accessory Structures must not exceed one half of the size of the principal building and be no taller than two stories and 35 feet, except as provided for in Article VI, Section 6.030. An accessory structure may be larger than stated above if there is a proven need for the size as determined by the Planning Commission. Any accessory structure that is larger than one-half the size of the principal building and/or taller than 35 feet must meet the same setbacks as a principal building.

8. Landscaping

For properties that abut or area adjacent to a residential district, there shall be screening along those affected property lines. The screening shall be a Buffer Strip, as defined in ARTICLE II, Section 2.020. Depending on the intensity of the commercial use, a privacy fence may be required by the Planning Commission in addition to the buffer strip, or may be substituted for the buffer strip, depending upon the circumstances involved.

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

5.060 INDUSTRIAL DISTRICT REGULATIONS

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

5.061 I-1, General Industrial District

A. District Description

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted. All new industrial uses shall front on arterial streets as designated on the Eagleville Major Thoroughfare Plan.

B. Uses Permitted

Uses By Site Plan Approval of the Planning Commission Unless No Change In Use:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing, except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing
5. Printing, publishing, and allied industries.
6. Fabricated metal products manufacturing except ordnance and accessories.
7. Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks manufacturing.
8. Miscellaneous manufacturing including jewelry, silverware, and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials and costume jewelry.
9. All types of wholesale trade.
10. Office functions only where it is directly related to the industrial establishment in which it is located.
11. Signs and billboards as regulated in ARTICLE IV, Section 4.080
12. Agricultural equipment sales and repair
13. All public utilities, including buildings, necessary structures, storage yards and other elated uses.
14. Animal health facilities including veterinary clinics with indoor kennels/runs only.

C. Accessory Uses and Structures

1. Signs in compliance with regulations set forth in ARTICLE IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in ARTICLE IV, Section 4.010.

D. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in the I-1 General Industrial District, after review and approval by the Board of Zoning Appeals, in accordance with ARTICLE VI, Section 7.070.

1. Retail and convenience trade
2. Transmission and Communication Towers and Stations.
3. Animal health facilities including veterinary clinics with outdoor kennels/runs allowed.
4. Building materials and sales.
5. Lumber and wood products manufacturing.

E. Uses Prohibited

In the I-1 General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-1, General Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Where public water and sewer service is available, there shall be required a minimum of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available.

Lot Width at Required Building Setback	100 ft.
Minimum Lot Width at Road Frontage	100 ft. (35 ft. in a cul-de-sac)

2. Minimum Yard Requirements

a. Front Yard Setback	40 ft.
b. Side Yard Setback	40 ft.
c. Rear Yard Setback	40 ft.

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation.

3. Maximum Lot Coverage
On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.
4. Height Requirements
No principal structure shall exceed forty (40) feet in height, except as provided in ARTICLE VI, Section 6.030. No accessory structure shall exceed twenty (20) feet in height or one and a half stories.
5. Parking Space Requirements
As regulated in ARTICLE IV, Section 4.010
6. Accessory Structures
 - a. With the exception of Signs, accessory structures shall not be erected in any required front yard.
 - b. Accessory structures shall be located at least ten (10) feet from any side lot line, from the rear lot line, and from any building on the same lot, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be twenty (20) feet.
7. Landscaping
Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

5.062 I-2, Heavy Industrial District**A. District Description**

This district is designed to accommodate industrial uses which involve more objectionable influences and which, therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Eagleville area. No new residential developments are permitted, thereby assuring protection of such developments from an undesirable environment which at the same time assuring adequate areas for industrial activity. All new industrial uses shall front on arterial roads as designated on the Eagleville Major Thoroughfare Plan.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentration of residential developments and community facilities where concentrations of people will be present.
1. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
2. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
3. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
4. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
5. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
6. Access to the site will be from a road classified as an arterial on the Major Road Plan for Eagleville.
7. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
8. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-2, Heavy Industrial District.

1. Preliminary Review

All applications for rezoning to the I-2, Heavy Industrial District, shall be made by the landowner or his/her authorized agent to the Zoning Administrator in accordance with the provisions of this section. All applications for rezoning shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- i. Letter from the owner detailing the proposed zoning change.
- ii. Location map of the proposed site, including size of the property
- iii. Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- iv. Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- v. Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic

data, and classification of all access roads according to the Eagleville Major Road Plan.

- vi. Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- vii. A tabulation of the land acres to be devoted to all uses and activities.
- viii. Ability of the site to be able to meet the Site Location Criteria in Subsection B., above, along with the General Requirements, in Subjection H., and the Requirements for Specific Uses, in Subsection I., below for the proposed use of the property.

c. Operational Data to Include the Following Information:

- i. Type of operation and detailed description of the operation.
- ii. Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- iii. Types of Federal and State permits required for operation of the proposed facility.
- iv. Safety measures to be used on site as well as the system for dealing with complaints.
- v. Ultimate use and ownership of the site after completion of operation. (Landfills only)

d. Environmental Assessments to include the Following Information

- i. Geological data on the site as prepared by a Tennessee Licensed geologist.
- ii. Effects of the proposed use on ground water quality in the area.
- iii. Effects of the proposed use on air quality in the area.
- iv. Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the City Council whether the proposed use should be rezoned to the I-2, Heavy Industrial District. If the City Council approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

6. Final Development Plan Review

After approval of the rezoning by the City Council, the landowner may make application to the planning commission for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall include the following

- i. Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.

- ii. Site plan to be at a scale of one inch equals two hundred feet (1"=200')
- iii. Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- iv. Stages of development of the site and the expected time of completion.
- v. Copies of all required Federal and State permits the applicant has obtained.
- vi. Final site plan shall be in compliance with Subsection H, I, and J, below for the proposed use of the property.
- vii. A landscaping plan is required, showing all buffer strips and green areas including trees and shrubs and identification of the species.

b. Site and Geological Data

- i. Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acres.
- ii. Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- iii. Ground water movements and aquifer information.
- iv. Existing vegetation cover on the site.
- v. Annual climate of the area, including annual precipitation and wind direction.

D. Specific Use Requirements

In addition to the general land requirements in this section, the following site plan criteria are required for review by the planning commission.

1. For manufacture and storage of chemicals and explosives:

- a. The site shall be utilized in a manner that shall not pose a hazard off-site. All plans shall be reviewed by the Fire Chief prior to approval in order to determine that existing services provide adequate protection for citizens.
- b. For purposes of this ordinance, service stations, dwellings, or research laboratories are not considered uses involved in the manufacture and storage of chemicals or petroleum products.

2. Reserved for Future Use

E. Uses Permitted

Uses permitted by site plan approval of the Planning Commission unless no change in use:

- 1. All uses permitted in the I-1, General Industrial District that are not special exceptions.
- 2. Reserved
- 3. Reserved
- 4. Dyeing and finishing of textiles.
- 5. Paper and allied products manufacturing.
- 6. Reserved
- 7. Automotive and related manufacturing.
- 8. Signs and billboards as regulated in ARTICLE IV, Section 4.080.
- 9. Solid waste disposal, subject to approval of the Rutherford County Environmentalist, the Tennessee Department of Health and Environment. This category is not intended to allow landfills

F. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in ARTICLE IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in ARTICLE IV, Section 4.010.

G. Uses permitted as Special Exceptions

In the I-2 Heavy Industrial District, the following uses are permitted as special exceptions as regulated in ARTICLE VII, Section 7.070.

1. All uses permitted in the I-1 Zone as a Special Permit
2. Chemicals and allied products manufacturing.
3. Petroleum refining and related industries.
4. Primary metal industries, limited to rolling, drawing, and extruding of ferrous and non-ferrous metals.
6. Reserved
7. Ordnance and accessories manufacturing.
8. Transmission and Communication Towers and Stations.
9. Any other use, in the opinion of the Eagleville Board of Zoning Appeals, is similar in character and function to those uses permitted or uses permitted as special exceptions in the I-2, Heavy Industrial District.
10. Stand alone crematoriums for persons
11. Stand alone crematoriums for pets

H. Uses Prohibited

In the I-2, Heavy Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

I. Dimensional Requirements

All uses permitted in the I-2, Heavy Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Where public water and sewer service is available, there shall be required a minimum of seven (7) acres. In areas where only public water is available, there shall be a minimum of seven (7) acres. No industrial land uses shall be permitted in areas where a public water supply is not available. In such instances, the Board may grant written approval of the use and shall not be less than seven (7) acres in size.

Lot width at Required Building Setback	200 ft.
Lot Width at Road Frontage	200 ft. (35 ft. in a cul-de-sac)

2. Minimum Yard Requirements

Front Yard Setback	100 ft.
Side Yard Setback	100 ft.

Rear yard Setback 100 ft.

Corner lots will be treated in a way such that all facades facing streets will be held to front setback standards and sides abutting neighboring property will be held to side setback standards. Atypical lots may require Planning Commission interpretation.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal structures shall exceed forty (40) feet in height, except as provided in ARTICLE IV, Section 6.030.

5. Parking Space Requirements

As regulated in ARTICLE IV, Section 4.010

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least ten (10) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers and a minimum of twenty (20) percent of the trees to be deciduous and/or flowering trees. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

K. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in the form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Zoning Administrator shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

5.070 FLOODPLAIN REGULATIONS

5.071 ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

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

Section B. Findings of Fact

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

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

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

5.072 ARTICLE II. DEFINITIONS

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

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

"Base Flood" means the flood having a one 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.

"Building" see "Structure".

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

"Elevated Building" means a 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 Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

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

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

"Existing Structures" see "Existing Construction".

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

"Flood" or "Flooding"

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"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" is 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 of Eagleville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

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

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one 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" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty 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" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

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

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

5.073 ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Eagleville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 47149C0335H dated January 5, 2007 and 47149C0220J dated May 9, 2023, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

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

5.071 ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

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

Section B. Permit Procedures

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

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - c. 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 Article V, Sections A and B.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all

materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

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

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the

reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

Section C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as

criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Eagleville, Tennessee FIRM meet the requirements of this Ordinance.

11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
12. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

5.075 ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

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

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

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

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

2. 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 of this section: "Enclosures"

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

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

3. Enclosures

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

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.
4. Standards for Manufactured Homes and Recreational Vehicles
 - a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) 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
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
 - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
 - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

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

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

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

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

3. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

1. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.
2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
3. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. 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.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty 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 of Eagleville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article III, Section B, 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. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(1) (c) and Article V, Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

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

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

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

Section I. Standards for Unmapped Streams

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

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

5.076 ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

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

2. Procedure

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

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee in an amount established by the City's most current fee schedule shall be paid to the City for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 60 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

- 1) The City of Eagleville, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

5.077 ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

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

Section B. Severability

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

5.080 PLANNED DEVELOPMENTS

Planned Developments (Overlay Zone) may be approved when in the opinion of the Planning Commission, it has been determined that deviations to the Zoning Ordinance as laid out in Section 5.081, 5.082 and 5.083 are in the spirit of the Land Use Plan and the Zoning Ordinance by promoting the efficient use of land, protecting natural features or resources, efficiently managing or creating less storm water run-off, or providing other desirable qualities. The Planned Development shall be designed and developed in a manner compatible and complementary to existing and potential development in the immediate vicinity of the project site.

Planned Development overlays will be considered through the same process as a rezoning of property as specified in this Ordinance.

The overall density of a Planned Development will be established according to the underlying base zone. Other aspects of Planned Developments, including but not limited to the lot size, lot configuration, and setbacks will be established during the review of the proposed planned overlay as part of the subdivision/site plan process.

5.081 Planned Residential Developments (PRD)

- A. Planned Residential Developments may be considered by the Planning Commission as an overlay district which will be made up completely of residential uses. The Planning Commission may consider such plans if/when brought by developers considering larger scale developments that may warrant negotiation of certain elements of the Zoning Ordinance.
- B. Minimum Bulk Requirements:
 1. While greater lot sizes and setbacks may be required, the minimum requirements are as follows: Minimum Lot Size: 10,000 square feet; Minimum Setbacks: Front: 30 feet; Side 5

- feet, Rear 15 feet. The minimum setbacks of lots abutting a non-PRD development: the same setback as the abutting property or 15 feet, whichever is greater, unless a buffer is established to the satisfaction of the Planning Commission which diminishes any impact of the lesser required setback.
2. Required Floor Area for Dwelling Units – 1800 gross square feet of heated and cooled space (garages are not included).
 3. Minimum of an attached two-car garage.
- C. Open Space - Due to generally smaller lot sizes, the Planning Commission shall require that fifteen (15%) percent the total development be set aside as open space, whether it be for passive recreation or to protect a natural feature, to be owned by the Home Owner's Association and not part of any private lot. Land occupied by buildings, streets, driveways or parking spaces may not be counted in satisfying this open space requirement; provided, however, that land occupied by recreational buildings and structures may be counted as required open space. If the PRD is developed in Phases, open space must be planned for future phases or included in those future phases separately. All open space must be accessible to all phases of a development.

Common open space and amenities must be maintained through an association or other corporation. Such organization shall provide for the maintenance, administration and operation of such land/amenities and any other non-privately owned property within the PRD.

- D. Planned Residential Developments shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of watercourses, drainage areas, wooded areas, rough terrain, and similar natural features and areas, and, shall otherwise be so designed as to use and retain such natural features and amenities to the greatest extent possible.
- E. Covenants and Home Owner's Association - All Planned Residential Developments must establish a Home Owner's Association with all covenants to be approved by the Planning Commission before the approval of the PRD. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PRD. Any changes to the Covenants must be approved by the City Planning Commission for at least 25 years after approval of the development.
- F. If a development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.
- G. Other Requirements.
1. Any Retention Pond shall have an aerator.
 2. If erosion controls are necessary, rip rap shall be allowed only when no other method satisfactorily exists to control water flow.
 3. The development shall have Planning Commission approved decorative street lighting and shall show that lighting will be adequate for the safety of the residents. All street lighting shall be of the same style, height and materials.

4. If mailboxes are proposed, they shall be Planning Commission approved decorative mailboxes of the same style, height and materials. Only if required by Federal or State law, or if determined by the Commission to be in the best interest of the community, may a communal mailbox be constructed. If such communal mailbox is required, it shall be encased in materials and be of a style as required by the Planning Commission. A roof shall be required over the communal mailbox.
5. Houses in the same development shall be of a similar and compatible architectural style.
6. Houses shall follow the 85/15 rule with at least 85 percent of the total façade (all sides totaled) of the house being made of natural materials such as brick, rock, or wood. High quality Fiber Cement Board may be approved by the Planning Commission as part of the 85 percent requirement. Applicants may request a waiver of this section.
7. All streets shall be constructed according to the City's Subdivision Regulations.
8. Developments must be connected to public or private sewer and have access to public water.
9. Sidewalks are required on both sides of the street and shall meet all ordinance criteria.
10. All utilities shall be underground.
11. Streets shall have curbs and gutters. Rolled curb and gutters are preferred.
12. All developments shall have a decorative Entry Sign. Street signs shall be a decorative sign as approved by the Planning Commission.

5.082 Planned Commercial Developments (PCD)

Planned Commercial Developments may be considered by the Planning Commission as an overlay district which will be made up completely of residential uses. The Planning Commission may consider such plans if/when brought by developers considering larger scale developments that may warrant negotiation of certain elements of the zoning ordinance.

5.083 Planned Unit Development (PUD)

Planned Unit Developments may be considered by the Planning Commission as an overlay district which will be made up of mixed uses. The Planning Commission may consider such plans if/when brought by developers considering larger scale developments that may warrant negotiation of certain elements of the zoning ordinance, particularly to acknowledge that the zoning ordinance generally segments all development issues by zone or use, whereas a mixed use development may warrant more flexible points of consideration.

**ARTICLE VI
EXCEPTIONS AND MODIFICATIONS**

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Exceptions to Height Limitations
- 6.040 Lots of Record
- 6.050 Exceptions to Front Setback Requirements

6.010 SCOPE

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

6.020 NONCONFORMING USES

The districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Eagleville, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this ARTICLE are there established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this ARTICLE are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of this districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

6.021 Provisions Governing Nonconforming Uses

- A. Applicability
The provisions of this ARTICLE are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.
- B. Construction or Use Permit Approved Prior to Ordinance Adoption
Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part

thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or may amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

C. Repairs and Alterations

Nothing in this ARTICLE shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

D. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section C., above.

E. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

F. Change of Nonconforming Use

1. General Provisions

For the purpose of this ARTICAL, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

3. Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

- G. Expansion of Nonconforming Uses
1. General Provisions
Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments there to, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.
 2. Land with Incidental Improvements
In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.
 3. Adequate Space for Expansion
No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.
 4. Expansion Limited
Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.
- H. Damage or Destruction
1. General Provisions
Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.
 2. Change in Use Prohibited
No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section G. above) to other than a permitted use.
 3. Infringement upon Open Space Restricted
No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.
- I. Discontinuance
When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be

used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

6.030 EXCEPTIONS TO HEIGHT LIMITATIONS

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

6.040 LOTS OF RECORD

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

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

6.050 EXCEPTIONS TO SETBACK REQUIREMENTS

The front setback requirement of this ordinance for all primary structures shall not apply to any lot where a proposed primary structure is within one hundred (100) feet of a primary structure of any other lot on the same side of the street. In such cases, the front setback shall be the average of those primary structures within one hundred (100) feet, except where public sewer is not available and proof can be shown that front setback compliance is impossible due to soil limitations, and except where the planning commission recognizes alternate setbacks that may encourage redevelopment and revitalization in commercial, industrial, and multi-family zones. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

**ARTICLE VII
ADMINISTRATION AND ENFORCEMENT**

SECTION

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Zoning Compliance Permit (Building Permits)
- 7.040 Temporary Use Permits
- 7.050 Board of Zoning Appeals
- 7.060 Variances
- 7.070 Procedure for Authorizing Special Exception
- 7.080 Amendments to the Ordinance
- 7.090 Zoning of Annexed Property
- 7.000 Penalties
- 7.110 Remedies
- 7.120 Validity
- 7.130 Interpretation
- 7.140 Effective Date

7.010 ADMINISTRATION OF THE ORDINANCE

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

7.020 THE ENFORCEMENT OFFICER

- A. All provisions of the Eagleville Zoning Ordinance are considered mandatory and shall be administered and enforced by the Eagleville Zoning Administrator. Failure to comply with this Ordinance can result in enforcement action. In performance of administering and enforcing this Ordinance, the Administrator or their designee shall:
1. Issue all Building Permits and make and maintain records thereof.
 2. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
 3. Maintain and keep current zoning maps and records of amendments thereto.
 4. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board of Zoning Appeals is required to act under the provisions of this ordinance.
 5. Receive, file and forward to the Planning Commission all matters on which the Planning Commission is required to act under this ordinance.
 6. Monitor properties for compliance with this Ordinance and take action when violations occur.

B. Penalties

1. Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Eagleville, shall be guilty of a civil offense.
2. Penalties. Under the authority granted in Tennessee Code Annotated, § 68-221-1106, the City of Eagleville declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of Eagleville of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day per each violation. Each day of violation shall constitute a separate violation.
3. Measuring civil penalties. In assessing a civil penalty, the City of Eagleville may consider: (a) The harm done to the public health or the environment; (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity; (c) The economic benefit gained by the violator; (d) The amount of effort put forth by the violator to remedy this violation; (e) Any unusual or extraordinary enforcement costs incurred by the City of Eagleville; (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
4. Recovery of damage and costs. In addition to the civil penalty, the City of Eagleville may recover: all damages proximately caused by the violator to the City of Eagleville, which may include but not be limited to any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation including attorney's fees.
5. Violators shall be cited to Municipal Court. The City Judge shall fix the penalty to be imposed under the provisions according to Municipal Code Section 1-301.

7.030 ZONING COMPLIANCE PERMIT (BUILDING PERMIT)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving or alteration of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the Zoning Administrator or their designee.

No Building Permit shall be issued by the Zoning Administrator, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application for a Building Permit

Application for a Building Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Applications for Building will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The Zoning Administrator may require an applicant to submit evidence of his/her authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the Zoning Administrator is required to consider the application. It is not necessary that the application contain construction

drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the Zoning Administrator to evaluate the application in light of the substructure requirements set forth in this ordinance.

B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Zoning Administrator at the time of an application for a building permit. It is specifically anticipated that the approval process for one and two-family detached houses shall be administratively approved by the Zoning Administrator. All other uses shall only be approved in the manner set forth in 7.030, D. below.

C. Site Plans Required for One- and Two-Family Detached Houses

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
4. The size and location of all yards and open areas required by this ordinance.
5. The dimension and location of all public water and sewer lines from which the property is to be served.
6. The location and approximate dimension of all points of access to a public street or road.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
8. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

D. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of 7.030.c. Unless otherwise specified, the reviewing agency shall be the Eagleville Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission.

The following information shall be included in the site plan:

1. General Location Sketch Map at a scale not smaller than 1"=2,000', showing:
 - a. The approximate boundaries of the site.
 - b. External (public access streets or roads in relation to the site).
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.
2. Site plan drawn at a scale no smaller than 1"=200' showing:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures already on the lot.

- c. The exiting and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- d. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.
- e. Location of all driveways and entrances.
- f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown).
- g. Location of all accessory off-street loading berths.
- h. Location of open space.
- i. Proposed ground coverage, floor area, and building heights.
- j. Position of fences and walls to be utilized for screening (materials specified).
- k. Position of screen planting (type of planting specified).
- l. Proposed means of surface drainage, including all drainage ways and facilities.
- m. Location of all easements and rights-of-way.
- n. Location of areas subject to flooding.
- o. Location and size of all utilities including all fire hydrants.
- p. Location, type, and size of proposed signs.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

E. Fee

The Eagleville Planning Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the City Hall. Only the City Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

F. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this ordinance.

G. Construction Progress

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

7.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Zoning Administrator, as provided for in ARTICLE IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Zoning Administrator on the form provided for that purpose.

7.050 BOARD OF ZONING APPEALS

The Eagleville Board of Zoning Appeals (hereafter referred to as the BZA) is hereby established in accordance with 13-7-205 through 13-7-207, of the Tennessee Code Annotated. The BZA shall consist of five (5) members, which shall be the members of the Planning Commission. The City Council may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. Procedure

Meetings of the BZA shall be held at the call of the chairman or Zoning Administrator, and at such other times the BZA may determine. Such chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the City Hall and shall be a public record.

B. Appeals to the BZA

An appeal to the BZA may be taken by any person, firm or corporation aggrieved by any governmental office, department, board, or bureau affected by any decision of the Zoning Administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the BZA all papers constituting the record upon which the action appeal was taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the BZA

The BZA shall have the following powers:

1. Administrative Review

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

2. Special Exception

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

3. Variances

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

D. Rules and Regulations of the BZA

The BZA shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the BZA shall constitute a quorum and the concurring vote of at least three (3) members of the BZA shall be necessary to deny or grant any application before the BZA.
2. No action shall be taken by the BZA on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of

general circulation in Eagleville, at last ten (10) days before the hearing of appeal. No appeal shall be considered and heard by the BZA less than fifteen (15) days after filing such appeal. In addition, a sign provided by the City, shall be posted and maintained on the subject property by the applicant and written notice shall be mailed to contiguous property owners, property owners directly across the street, and property owners diagonally across the street from the subject property. Failure to mail notice to such owner(s) will not invalidate the amendment or action of the BZA. If new information is uncovered regarding an action of the BZA that could not have been reasonably presented in a public hearing before the BZA, the BZA shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

3. The BZA may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the BZA as may be reasonable required.
4. The Planning Commission shall be permitted to submit an advisory opinion on any matter before the BZA and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the city or other aggrieved party may appeal any decision of the BZA to a court of competent jurisdiction as provided for by State law.
6. Any decision made by the BZA on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the BZA, good, and sufficient cause being shown.
8. At the public hearing of the case before the BZA, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the BZA, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the BZA or by a court of competent jurisdiction on application, on notice to the Zoning Administrator, and on due cause shown.

F. Liability of BZA Members, Zoning Administrator and Employees

Any BZA member, Zoning Administrator, or other employee charged with the enforcement of this ordinance, acting for Eagleville within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any BZA member, Zoning Administrator, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the BZA, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. Rehearings

1. No rehearing of the decision by the BZA shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a hearing.
2. If the motion to reconsider receives a majority affirmative vote, the BZA may vote on the motion to grant to request for a rehearing, subject to such conditions as the BZA may, by ordinance in each case, stipulate.
3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the BZA on a date to be set by the BZA.
4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this ARTICLE.

7.060 VARIANCES

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

A. Application

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

B. Hearing

Upon receipt of an application the BZA shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The BZA shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Standards for Variances

The BZA shall not grant a variance except where special circumstances or conditions, fully described in the findings of the BZA, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the BZA shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as

distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance request will not confer on the applicant any special privilege that is denied by the ordinance to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities, otherwise, excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any persons having an interest in the property after the effective date of this ordinance.

D. Restrictions and variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the BZA grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The BZA may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in 7.060, c. above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The BZA may establish expiration dates as a condition or as a part of any variances.

E. Appeal to the Court

Any person or persons or any board, taxpayer, department or bureau of the Town aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee. Denial by the Board disallows any future appeal, request for a variance, or request for a special exception regarding the same request on the same property to the Board unless so ordered by a court of competent jurisdiction.

7.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the BZA. The procedure shall be the same whether review is

required by this ordinance or whether a review is requested by the Zoning Administrator to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the BZA for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the BZA may require such as traffic studies, renderings to show final design/layout, drainage calculations/designs, etc. in order for the Board to perform a reasonable review.

B. Restrictions

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

C. Validity of Plans

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

D. Time Limit

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

E. General Requirements

A special exception shall be granted provided the BZA finds that the activity:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in the ordinance.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience at that location.

F. Special Exceptions Appeals

Any person or agency of the city government may appeal to a court of competent jurisdiction from the BZA's decision as provided under statutes of the State of Tennessee. The judgment and findings of the BZA on all questions of fact that maybe involved in any appeal, cause, hearing or proceeding under this ARTICLE shall be final, and subject to review only for illegality or want of jurisdiction. A fee shall be charged to cover review and processing of each application for a special exception.

G. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established there are met as part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this ordinance for these type developments, the BZA shall specifically find that there will be no adverse impact upon

adjoining properties or the neighborhood in which such use is proposed. In making this finding, the BZA shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, character of adjoining structures, and suitability of the site for the use and such other factors as the BZA may deem necessary.

2. Special Conditions for the Development of Mobile Home Parks

These conditions provide maximum flexibility in design and to ensure a minimum standard of site development for mobile home parks where complete urban facilities, specifically public sewer, are available or where such facilities will be available prior to development. This district will be characterized by mobile home parks containing both single-wide and double side units. This district will also include community facilities and public utility installations which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development.

a. Development Standards for Parks:

- i. No parcel containing less than three (3) acres and no less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- ii. The minimum front setback shall be fifty (50) feet.
- iii. The minimum side and rear setbacks shall be thirty (30) feet.
- iv. The site shall abut a public street.
- v. There shall be screening along the side and rear site lines. The screen shall be a Buffer Strip, as defined in ARTICLE II, Section 2.020, and shall be located along the outer boundaries or perimeter of the mobile home park.
- vi. Signs as regulated in ARTICLE IV, Section 4.080
- vii. No mobile home park shall be permitted unless such park is served by a public water supply and sewer system. Water lines shall be a minimum six (6) inch water main looped for adequate water pressure. Also, fire protection with fire hydrants located every one thousand (1000) feet with every mobile home within five hundred (500) feet of a hydrant shall be approved by the water department.
- viii. The internal street system within the mobile home park shall consist of paved streets with a paved surface minimum of twenty-five (25) feet wide measured from one edge of the paved surface to the other edge of the paved surface. The right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
- ix. Recreational vehicles are allowed only as temporary uses for a period not to exceed thirty (30) days.
- x. No part of the park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. A mobile home park office is permitted.
- xi. Ten (10%) percent of the mobile home park site shall be set aside for recreation and open space requirements.
- xii. Tenant storage buildings shall be located at the rear of the mobile home space.

- b. Dimension Requirements for Mobile Home Space:
- i. The minimum size for a single-wide mobile home space shall be three thousand six hundred (3,600) square feet. The minimum size for a double-wide mobile home space shall be six thousand (6,000) square feet.
 - ii. The minimum width for a single-wide mobile home space shall be thirty-six (36) feet. The minimum width for a double-wide mobile home space shall be sixty (60) feet.
 - iii. The minimum length shall be ninety (90) feet.
 - iv. The minimum front yard setback shall be twenty-five (25) feet.
 - v. The minimum side yard setback shall be ten (10) feet. If the parking area for the unit is in the side yard, then thirty (30) feet additional setback shall be required.
 - vi. The minimum rear yard setback shall be fifteen (15) feet.
 - vii. All mobile homes permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors as required by *Tennessee Code Annotated*, Section 68-126-403.
 - viii. All mobile homes moved into any mobile home park, existing or new, after the effective date of this ordinance shall be under skirted to prevent the accumulation of refuse and rodents, snakes, or other vermin. Under skirting shall consist of new material subject to the approval of the Zoning Administrator of Eagleville, Tennessee
 - ix. There shall be a minimum area of four hundred (400) square feet of paved parking per mobile home space.
 - x. With respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty feet (25) from any building within the mobile home park.
- c. Procedure for Approval
- A permit for a mobile home park shall be issued by the Zoning Administrator only after the site plan and application have been approved by the Eagleville Planning Commission. If at any time during the development process, unapproved deviations from the officially approved site plan occur, the development permit granted to the applicant or developer shall be subject to immediate revocation, until such time as such discrepancies are removed, corrected, or officially approved by the Eagleville Planning Commission.
- d. Site Plan Requirements
- The following information shall be shown on the required site plan:
- i. The location and legal description of the proposed mobile home park.
 - ii. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
 - iii. The proposed use of buildings shown on the site plan.
 - iv. The location and size of all mobile home spaces.
 - v. The location of all points of entry and exit for motor vehicles and the internal street circulation pattern.
 - vi. The location of all off-street parking facilities.
 - vii. The location of all signs.

- viii. The location of park and recreation areas.
 - ix. The location of buffer strips.
 - x. The name and address of the applicant.
 - xi. A comprehensive drainage plan, showing the locations of all storm water easements or floodwater run-off channels and basins.
 - xii. Such other architectural, engineering, and topographical data as may be required to permit the local health department, the Zoning Administrator, and the planning commission to determine if the provision of these regulations are being complied with shall be submitted with the site plan.
 - xiii. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, electric, etc., along with official approvals of all servicing utilities shall be documented and submitted with the site plan.
 - xiv. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- e. Responsibility of Park Management
The individual or group receiving a permit shall operate the mobile home park in compliance with this resolution and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition. The park management shall keep the register record available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
- f. Inspections
The Zoning Administrator is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of Mobile Home Park and the general public. The Zoning Administrator shall have the authority to enter upon the mobile home park premises for the purpose of inspection and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.
- g. Non-conforming Manufactured Home Parks
All manufactured home parks existing at the time of enactment of this ordinance which do not conform to the regulations of the district in which it is located shall be governed in accordance with the provisions of ARTICLE VI, Section 6.020 of this ordinance.
7. Accessory Non-Residential Use Standards
These standards apply to those zones where such special exception may be considered by the Board of Zoning Appeals, in order to provide for consideration of certain accessory non-residential uses. These standards apply to certain residential zones

where the proposed accessory commercial use does not qualify as a Customary Incidental Home Occupation (see Section 4.040).

- a. Property Requirement
 - i. The residence on the property is to remain the primary structure.
 - ii. Use of any part of the residence in an approved Accessory Non-Residential Use is subject to the same space and employment limitations as a Customary Incidental Home Occupation (Section 4.040).
 - iii. The property shall be a minimum of one (1) acre for consideration.
 - iv. Accessory buildings from which any non-residential sounds may emanate shall meet all setback requirements for the zone as though being built under the most current setback requirements.
 - v. Accessory buildings that may be considered for accessory non-residential use are limited to those permitted and/or constructed prior to July 1, 2016.
 - vi. Applicant shall provide for adequate vegetative screening and buffer to limit sight and/or sound from neighboring residential properties as required in the Board of Zoning Appeals' approval.
- b. Non-Residential Use
 - i. Non-Residential use of accessory buildings, or of any part of the residence included in an approval, is limited to the uses as expressly indicated by the Board of Zoning Appeals. Any addition of or changes to non-residential activities, other than ceasing activities, requires advance approval by the Board of Zoning Appeals.
 - ii. No signage, banners, or other commercial message display will be allowed on the residence, the accessory buildings, or yard except what is stated herein. This prohibition includes lighted signs displayed in windows or doorways. Signage limited to the name of the business and the house/building address number is allowed when the format, font, styling, etc. is clearly done in such a manner that it is intended for location identification (by delivery drivers, public safety, etc. as the case may be) and not for the purpose of advertising or promoting any business or other non-residential accessory use.
 - iii. No storage of materials, supplies, vehicles, equipment, or other business related items shall be allowed outside in any visible area.
 - iv. No additional accessory buildings shall be built and no existing accessory buildings expanded for the sake of operating, expanding, or otherwise accommodating non-residential use. However, properly permitted alterations to accessory buildings to accommodate non-residential use are allowed given they do not expand the footprint of the building.
 - v. Generally, uses that may be considered for special exception may not exceed the intensity of what may be an allowed use in a light industrial zone. This reference to potentially allowable uses is intentionally overly broad, recognizing that the culmination of many variables make it necessary

for the Board of Zoning Appeals to use its interpretation authority to determine appropriateness on a case-by-case basis.

1. The reference to light industrial uses above is not an indication that all light industrial uses may be considered favorably. Each use must be carefully considered on a case-by-case basis along with proposed location and other variables.
 - vi. The non-residential use of the property, including accessory buildings and/or any portion of the residence is limited to the employment of one (1) person that does not reside on the property. Any other employees must be residents of the property.
 - vii. No non-residential use of a property shall increase traffic in such a way to burden neighboring residential properties or to become overly impactful of city streets.
 - viii. Any non-residential use of the property shall comply with the Noise Ordinance within the Eagleville Municipal Code (Title 11, Chapter 3) as may be from time to time amended. The general peace and quiet expected within residential zones maintains priority over any non-residential accessory use and the sounds that may be created therefrom. Where the Noise Ordinance is silent on the issue of acceptable or prohibited hours, non-residential accessory uses generating any noise that may emanate from the subject property shall cease between the hours of 10:00 p.m. and 6:00 a.m. Monday through Friday and between 10:00 p.m. and 8:00 a.m. Saturday and Sunday, unless the Noise Ordinance is more limiting. Additionally, the BZA, when approving a special exception under this section, may impose more restrictive hours related to noise and operations.
- c. Ownership and Occupancy
- i. Upon vacating the premises as a residence by the applicant, any approval for accessory non-residential use shall also cease.
 - ii. Upon change in property ownership when the occupant/applicant is someone other than the owner, the occupant/applicant is to notify the city of the change in ownership in writing as soon as is practical.
 - iii. The residence on the property is to remain occupied by the applicant(s) requesting the accessory non-residential use for the duration of its approved accessory use.
- d. Application Process
- i. Applicant must complete an application for a special exception and pay the applicable application fee.
 1. Applications for accessory non-residential use must include a site plan – at minimum, an accurate drawing/layout of the property showing distances of all buildings from lot lines, distances from other buildings, nearest neighboring structures on all sides, intended buffer vegetation, if any (BZA may choose to require), indication of which areas of each

building are proposed for non-residential use, and indication of intended ingress/egress.

2. Application must include a detailed description of the business activity(ies) included in the application. Include the type of business, the type of customer, specific activities involved in the business, how many will be employed by the business, estimated peak customers and/or supplier traffic expected in a day and at any given time. Include descriptions of any product to be assembled or manufactured and/or services to be rendered, and the materials, supplies, and/or chemicals to be used.
 3. Application and supporting documents shall be submitted to City Hall along with the application fee. A preliminary review will be conducted to determine that the request is eligible for consideration by the BZA. If not, the application and fee will be returned to the applicant with staff comments and appeal information. If the application appears eligible for consideration, it will be prepared for review by the BZA.
 4. Based on consideration of the application, the BZA may deem it prudent to require the applicant to pay for a safety inspection of the building(s) where non-residential activities are proposed, and may make its approval contingent on a satisfactory safety inspection. Likewise, should an applicant's application be based on work to a building that is yet to be done, it is possible that the BZA may make its approval contingent on pulling appropriate building permits and satisfactory inspections thereof.
- e. Renewals
- i. Accessory Non-Residential Use permits are good for a period of 12-months, after which they must be renewed.
 - ii. Renewal notices will go out to holders of such permits 30-days prior to their expiration. Permit holders must notify City Hall if they intend to request renewal and pay any applicable renewal application fee according to the city's established fee schedule, hereby set initially as \$25.00.
 - iii. If the permit holder wishes to renew, the BZA will consider the renewal at its next meeting, and will be notified promptly of the resulting action.
- f. Violations
- i. The facility shall not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health or safety.
 - ii. The City reserves the right to inspect or to contract the inspection of properties where permits have been granted.
 - iii. The City may revoke permits due to failure to abide by the ordinance requirements or any stipulations of a specific permit.

- iv. Permits may be revoked upon any finding of an offense relative to this section, including upon confirmation of allegation(s) by other citizens of any nuisance created by non-residential use.
- v. Property owners so ordered as a result of noncompliance will have thirty (30) days to come into compliance with these ordinances or be subject to applicable fines and/or other recourse as may be available to the City.
- vi. Applicants under any circumstances may be asked to provide proof of sufficient insurance coverage as a part of the application and/or consideration process.

H. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- e. The site and architectural plans shall be approved by the planning commission.

2. Day Care Centers

a. Day Care Home and Group Home

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. Day Care Center

No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

3. Special Conditions for all Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
 - b. All bulk regulations of the district shall be met.
 - c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
 - d. All regulations of the State of Tennessee shall be met.
 - e. All public utilities shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning Commission taking into account the above conditions as well as any other pertinent factors.
 - f. Enclosed waste disposal area shall be identified on site.
4. Special Conditions for Community Assembly
- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
 - b. All bulk regulations of the zone district shall apply.
 - c. Off-Street Parking
 - i. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - ii. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the BZA, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
 - d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
 - e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
 - f. All public utilities shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

5. Special Conditions for Cultural and Recreational Services
- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
 - b. All bulk regulations of the district shall apply.
 - c. The off-street parking requirements of this ordinance shall apply.
 - d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse effect on properties within the surrounding area.

- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on properties within the surround area.
6. Special Conditions for Community Education
- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
 - b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
 - c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
 - d. The off-street parking requirements of this ordinance shall apply.
7. Special Conditions for Health Care
- a. Minimum Lot Area
 - i. No health clinics or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
 - ii. No hospitals shall be permitted on a zone lot unless it contains a minimum of five (5) acres.
 - b. The minimum side and rear yards for hospitals shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
 - c. All other regulations of the district shall apply.
 - d. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
 - e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect of the properties in the surrounding area.
 - f. All public utilities shall be available and connected to the site.
 - g. The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.
 - h. The following activity classes and types may be permitted accessory to the Health Care Activities, provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:
 - i. Community Facility Activities
 - ii. Commercial Activities.
8. Special Conditions for Religious Facilities
- a. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
 - b. All bulk regulations of the district shall be met.
 - c. The off-street parking requirements of this ordinance shall apply.
9. Special Conditions for Bed and Breakfast Homes

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

- a. Bed and breakfast homes shall be established only within preexisting single family residences.
 - b. Bed and breakfast homes shall continuously maintain current licenses and permits as required by local and state agencies.
 - d. Bed and breakfast homes shall be solely operated by members of the family residing in the home or residence.
 - e. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 - f. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
 - g. Bed and breakfast homes shall be limited to a single on-premises sign which shall be no greater than five (5) square feet in size. (Section 4.080) and shall be no closer to the street right-of-way line than fifteen (15) feet.
 - h. One (1) off-street parking space shall be provided for each guest room rented in addition to the required two (2) spaces required for the single family residence. Guest parking shall not be located within any front yard. All such parking spaces shall be screened from view from adjoining property by fence, wall, hedge, and berm.
 - i. If food is prepared or cooked, a menu made available, and a price is charged therefore, a food server's license must be obtained from the Tennessee Department of Health.
 - j. A smoke detector shall be installed in each sleeping room or as required by the ICC Standard Building Code and a fire extinguisher ten (10) pounds in size or larger shall be installed and made easily accessible on each floor or story.
 - k. An evacuation plan must be approved by the city's fire chief prior to the issuance of a use and occupancy permit.
 - l. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
 - m. Prior to the issuance of a use and occupancy permit for the establishment of any bed and breakfast home not connected to a public sewer system. Certification shall be provided by the county health department approving the subsurface disposal system as being adequate to service the total number of bedrooms occupies.
10. Special Conditions for Cemeteries
- The following standards shall be imposed upon the development and construction of cemeteries, both human and non-human, in Eagleville:
- a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
 - b. Any new commercial cemetery shall be located on a site containing not less than ten (10) acres.

- c. All structures including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-ways.
- d. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
- e. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

I. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- e. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreations pursuits, the following requirements shall be observed.
 - i. The minimum size site shall be twenty-five (25) acres.
 - ii. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - III. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - iv. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivision or on minor residential streets.
 - v. Off-street parking shall be provided at a minimum of one (1) Space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located not more than five hundred (500) feet from the lot boundary.
 - vi. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
 - vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

- viii. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- i. Such campground shall have on site management.
- ii. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.
- iii. Such campground shall meet the following standards:
- Minimum size – Ten (10) acres.
 - Maximum density – Ten (10) campsites per gross acres.
 - Sanitary facilities, including flush toilets and showers within three hundred (300) feet walking distance of each campsite.
 - Dump station for travel trailers.
 - Potable water supply - One (1) spigot for each four (4) campsites.
 - Trash receptacle – One (1) for each two (2) campsites.
 - Parking – One (1) space per campsite.
 - Picnic table – One (1) per campsite.
 - Fireplace or grill – One (1) per campsite
 - Administration or safety building – Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.
- iv. Such campground shall meet the following design requirements:
- Vegetation screen or ornamental fence which will substantially screen the campsites from view or public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
 - Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.
 - East campsite shall have a minimum setback of twenty-five (25) feet from any public road.
 - Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)
 - Each campsite shall be directly accessible by an interior road.
 - All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

- All interior roads shall meet the following curve requirements:
 - Minimum radius for a 90 degree turn – 40 feet
 - Minimum radius for a 60 degree turn – 50 feet
 - Minimum radius for a 45 degree turn – 68 feet
- No campsite shall be used as a permanent residence.

2. Special Conditions for Entertainment and Group Assembly

For small meeting and reception facilities allowed in residential areas, the following requirements shall apply:

- a. No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet.
- b. The Location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- c. No facility shall have a capacity for over one hundred (100) persons.
- e. Any site lighting shall be indirect that will not illuminate the surrounding property.
- f. Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and twenty-five (25) square feet in surface area.
- g. All off-street parking requirements of this ordinance shall apply.
- h. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.

8. Special Conditions for Design Standards for Transmission and Communication Towers and Stations.

All transmitter towers and operating equipment shall adhere to the following standards.

- a. No parcel shall be used for the purpose of constructing a tower that does not meet minimum lot size requirements for the zoning district. Towers may be considered as additional primary structures on parcels in commercial, industrial, or multifamily zones. Towers may be considered accessory structures in other residential zones, and may be considered by the BZA in these zones even when no primary structure yet exists. On vacant parcels in residential zones, siting of a tower on a property must be done such that it shall not inhibit zoning-compliant residential construction on the parcel. On parcels where any primary structure already exists (and is not to be removed prior to tower construction), any tower proposed, its fencing, guy wire anchors, and any other related accessory or equipment building, shall meet setback requirements for the parcel as a whole as well as setback requirements for an accessory building in the case that the tower will coexist with any other primary structure unrelated to the tower.
- b. Any new tower constructed shall be capable of support co-locations by other telecommunication users. Each application for a new tower must be accompanied by written certification that there is not an existing tower capable of supporting a co-location in the area.

- c. All towers with a height of one hundred-fifty feet (150) (from base to top) or more shall be constructed in accordance with Electronic Industries Association (“EIA”) Standards 222EW-1991, utilizing wind rating of eight (8) miles per hour plus ice loading for Eagleville, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- d. Each application for a new tower shall include written technical information that the tower will not interfere with public safety communications or disrupt the transmission or reception of radio, television or other communications of adjacent residential and nonresidential uses.
- e. A site plan in compliance with ARTICLE VII, Section 7.030, shall be approved by the planning commission prior to submission to the Board of Zoning Appeals for approval of the use.
- f. All applications for new towers are required to have approval as a “Special Exception” by the Board of Zoning Appeals prior to any permit being issued for construction.
- g. All towers shall be setback from all property lines by a distance that is equal to:
 - i. For a guyed tower, fifty (50%) percent of the height; and
 - i. For a self-supporting tower, equal to the height of the tower.
 - ii. The BZA may consider alternate setbacks as may be suggested by the applicant when supported by industry standard engineering documentation relative to the applicant’s site plan. Under no circumstances will the setbacks for the structure of the tower or accessory building(s) be less than that allowed for a primary structure in the applicable zone.
- h. All applications for permits to build towers in Eagleville must be accompanied with a “Determination of No Hazard” from the Federal Aviation Administration, as well as all times when the site is not occupied.
- i. The entire area containing the tower, equipment and any guyed supports shall be enclosed with a fence no shorter than six (6) feet in height. Access gates to the site will be locked at all times when the site is not occupied.
- j. Where the tower site abuts or is contiguous to any Residential Zoned District, there shall be provided a continuous, solid screening around the fenced area of the site and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required, herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- k. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration Regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light, unless required by the Federal Aviation Administration. Towers not requiring marking or lighting shall have an exterior finish, which enhances compatibility with adjacent land use as approved by the Board of Zoning Appeals.
- l. The tower owner is responsible for maintaining the grounds, landscaping and all structures on the tower site in a manner acceptable to the city.
- m. In the event that the tower owner decides to discontinue operation of the tower, the owner shall notify the City in writing of when the use shall be discontinued. Unless the owner will maintain the discontinued tower site, the tower and all accessory structures are to be removed within nine months.

J. Specific Standards for Agricultural and Extractive Activities

A special exception permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Conditions for Mining and Quarrying Activities

- a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- b. Any permit issued hereunder shall be passed on a site plan or other documents submitted with an application which shall provide for the following:
 - i. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) feet intervals.
 - ii. Location of the area in which the proposed quarrying activity is to be conducted.
 - iii. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - iv. Proposed method of drainage of the quarry area.
 - v. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - vi. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - vii. Methods proposed to control noise, vibration and other particulate matter.
 - viii. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- d. Before issuing a permit the BZA shall require the owner of the quarry facility to execute a bond in an amount to be determined by the planning commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- e. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the BZA may review and grant an extension of time in the manner and procedure as prescribed for an original application.

- f. The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

2. Conditions for Accessory Agricultural Uses in R-2 Zones

These standards apply to provide for consideration of specified agricultural animals as an accessory use or activity in an R-2 zone. R-2 agricultural specified animal use is restricted to occupant(s) (owner or tenant) that reside on the property. Tenants must obtain permission from the property owner to keep specified animals on the property. Applicants must notify all property owners and residents within 150 feet of the property lines of the specified parcel.

Some animals, known as specified animals, have special requirements for ownership and maintenance in the R-2 zone. These animals include: chickens, pigeons, doves, turkeys, geese, ducks, cows, horses, cattle, sheep, goats, pigs, rabbits, Llamas and bees.

- a. Uses that may be considered for permit under Agricultural Residential Special Exception
 - i. Residential Specified Animals – A person maintaining livestock, as authorized by this exception, may maintain on each 1.5 acres of land no more than the following:
 - A. One (1) head of cattle, or
 - B. One (1) horse, or
 - C. One (1) pig (see further restriction in paragraph I below), or
 - D. One (1) llama, or
 - E. Three (3) sheep or three (3) goats, or
 - F. Six (6) chickens, or
 - G. Three (3) geese, or (3) turkeys, or (3) ducks, or
 - H. Twelve (12) pigeons or (12) doves, or
 - I. Twelve (12) rabbits.
 - ii. In consideration of larger specified animals, the minimum land requirement must be that land that is available and accessible to the animals. Front yards, side yards, or any other portions of the parcel made up of the residence or other such improvements unavailable for animal pasturing or grazing is not to be taken into consideration in the calculation of the minimum land requirement for larger animals. From the list in section A(a) above, larger animals would be considered cattle, horse, , pig, and llama.
 - iii. In consideration of specified animals other than those outlined in section A(b) above, the minimum acreage of the parcel need not be completely designated for the use, grazing, or pasturing of the animals, but the applicant will be responsible for presenting evidence to the BZA that reasonable dedicated space is available and will be used as such.
 - iv. To receive consideration for beekeeping pursuant to this section:
 - A. A property shall be a minimum of 1.5 acres
 - B. No more than three (3) hives shall be permitted unless the applicant's property is five (5) acres or more, in which case the Board of Zoning Appeals may take a larger number under consideration.

- C. No hives may be located within fifteen (15) feet of the applicant's property line, street, sidewalk, or public area.
- D. No hives may be located within 100 ft. of an occupied building or structure – or such structure intended for such occupation – other than a building or structure occupied or controlled by the owner/keeper of the bees.
- E. Hives must be concealed from public view by either built (partition) or natural (vegetation) obstruction.
- v. In consideration of reproducing animals, the maximum number of animals permitted shall refer to mature animals and those old enough to have been weaned. Permit holders will have 60 days after animals are weaned to remove animals in order to reduce the total number back to what is permitted.
- b. Minimum land required in consideration of a permit application as specified in this section is limited to the applicant's property and if the land is lacking, any neighboring property that is either
 - i. Owned by the applicant who is the same owner as the subject property, who will also make the property available for maintenance of such animals OR
 - ii. Vacant land owned by another party and rented to the subject property owner for the purpose of owning and maintaining animals as specified herein. In this case, the vacant land must be sufficient when combined with the applicant's property to satisfy the minimum land requirements set forth herein. As stated, additional land considered shall require written permission from the owner.
- c. A person commits an offense if he stables, stalls, or pens livestock within 100 ft. of an occupied building or structure other than a building or structure occupied or controlled by the owner of the livestock.
- d. The facility for specified animals shall be maintained in good repair and in a clean and sanitary condition, free of vermin, obnoxious smells and substances.
- e. The facility shall not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.
- f. The facility should have ground cover that is absorbent and is replaced as often as necessary to prevent odor and vector breeding.
- g. The facility shall reasonably prevent the specified animal from roaming at large or prevent unauthorized access to the specified animal by general members of the public.
- h. Roosters are prohibited in the City of Eagleville.
- i. Pigs and swine are prohibited unless the pig is a miniature potbellied pig (*Susscrofavittatus*) with shoulder height of no greater than 18" and weighing no more than 95 lbs. These pigs require the same acreage per animal as specified in section A, above, except that no more than 2 pigs can be kept at any one address regardless of the acreage.
- j. The City reserves the right to inspect or to contract the inspection of properties where permits have been granted, and to inspect animals on property that have been so permitted.
- k. The City may revoke permits due to failure to abide by the ordinance requirements or any stipulations of a specific permit.

- l. Permits are specific to the type of animal(s) permitted and the number of animals permitted as specified by the Board of Zoning Appeals in approving such permit.
- m. Permits cease with any change in property ownership; new property owner(s) must seek permit even if maintaining the animals previously permitted under prior ownership.
- n. Permits may be revoked upon any finding of an offense relative to this section, including upon confirmation of allegation(s) by other citizens of any nuisance as described herein created by the ownership or maintenance of such animals.
- o. Property owners so ordered as a result of noncompliance will have thirty (30) days to come into compliance with these ordinances or be subject to applicable fines and/or other recourse as may be available to the City.
- p. Applicants under any circumstances may be asked to provide proof of sufficient insurance coverage as a part of the application and/or consideration process.

K. Specific Standards for Industrial and/or Manufacturing Activities

1. General standards for consideration:

A special exception permit shall not be granted unless the standards below are met:

- a. The activity takes place in completely enclosed buildings.
- b. Access for heavy trucks and employees are from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- c. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- d. The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility.

2. Standards for automobile wrecking, junk, and salvage yards

A site development plan, as required by ARTICLE V, Section 5.062, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Eagleville Municipal Planning Commission is the agency responsible for this review.

- a. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:
 - i. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
 - ii. Because of the tendency for salvage yard to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1000) feet from any established residential zone.
 - iii. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway

- areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- iv. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- b. Off-Road Parking: As regulated in ARTICLE IV, Section 40.10.
 - c. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - i. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - ii. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
 - iii. No automobile wrecking, junk, or salvage yard shall be permitted within three (300) hundred feet of any public road in Eagleville except where a more stringent state or Federal law applies.
- L. Decision Considerations:
Before the BZA approves a Special Exception/Conditional Use, it shall determine the request:
1. Is in conformance with the applicable provisions of this ordinance.
 2. Has, in the opinion of the BZA, satisfied all applicable criteria.
 3. Is in harmony with the purpose and intent of this ordinance.
- M. Conditions of Approval.
The Board of Zoning Appeals may:
1. Stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values, the environment; sound planning and zoning principles; improved land use; site planning and land development; or better overall neighborhood compatibility, and,
 2. Impose any additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Permit if it shall be found necessary in order that the spirit of the regulations may be observed, and public safety and welfare secured.
- N. Any Conditions Attached to the Approval of the Special Exception:
1. Shall remain with the property as long as the Special Exception use is still in operation
 2. Shall continue in force and effect regardless of any change in ownership of the property
 3. The Board shall not approve any Special Exception for any property on which there exists a zoning violation unless such Special Exception will remedy such violation.

7.080 AMENDMENTS TO THE ORDINANCE

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Eagleville City Council. Any member of the City Council may introduce such legislation, or any official, board, or any other person may present a petition to the City Council requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective, unless it is first submitted to the Eagleville Planning Commission for review and recommendation. The planning commission shall have sixty (60) days within which to submit its recommendation to the City Council. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the City Council. If the planning commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

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

Before finally adopting any such amendment, the City Council shall hold a public hearing thereon, at least fifteen (15) day notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the city. The notice must be sufficiently detailed to allow citizens to discern what is being proposed and whether they would be affected. It shall include the information that a copy of the entire proposed amendment shall be on file with the city recorder's office, Eagleville City Hall, 108 S. Main Street, Eagleville, TN and may be reviewed during normal office hours.

A fee is due and payable at the time of filing of petition and notice shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Eagleville to defray cost resulting from such petition and any subsequent amendment of the zoning ordinance.

7.081 Application for Rezoning

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

1. The name and address of the owner and/or owners of the subject property(ies) and the written certification of the authorized agent (Attorney in Fact Form).
2. A written legal description of the subject property(ies) including the Rutherford County Tax Plat number and acreage.
3. A description of the proposed zone changes, modification or repeal together with written justifications for the requested zone changes.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property(ies).
5. Eight (8) copies of a map depicting the property(ies) requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information:
 - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
 - b. Dimensions in feet of property(ies) to be rezoned.

- c. All roads and easements within or adjoining property(ies) to be rezoned.
- d. Location, size, type and current use of any building(s) on the property(ies) requested for rezoning.
6. A fee shall be paid as set out in the Eagleville Rezoning Fee Schedule
7. The applicant shall be required to place a notification sign provided by City Hall on property fourteen (14) days prior to consideration of the Planning Commission Meeting and will remain in place until action by the City Council.

7.090 ZONING OF ANNEXED PROPERTY

Any lands or territory annexed into the corporate limits of Eagleville shall be zoned in accordance with provision made therefore in the annexation ordinance that may be adopted in connection with the annexation ordinance and shall from the date of such annexation be zoned and classified in accordance with this zoning ordinance. If no provision is made in the annexation ordinance, then it shall enter the municipality as R-1 (Low-Density Residential).

7.100 PENALTIES

Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense.

7.110 REMEDIES

In case any building or other structure is erected or in the process of being erected, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Zoning Administrator or any other appropriate authority, or any adjacent or neighboring property owner who would be specifically damaged by such violation, may institute an injunction, mandamus, or other appropriate remedy or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, as well as correct such violation, or to prevent occupancy of such building, structure, or land.

7.120 VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

7.130 INTERPRETATION

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the more restrictive provisions shall govern.

7.140 EFFECTIVE DATE

BE IT ENACTED that this ordinance shall take effect 15-days after its adoption, the public welfare requiring it.

Recommended by the Eagleville Municipal Planning Commission on: July 11, 2016.

Approved:

Travis Brown, Mayor

ATTEST:

City Recorder, Phillip Dye

Passed First Reading: July 28, 2016

Passed Second Reading: August 25, 2016

Public Hearing held August 25, 2016 with 15-day notice given in the Rutherford Reader on August 4, 2016.

APPROVED AS TO FORM:

City Attorney, Kevin Bragg