

**ZONING ORDINANCE
FOR
MARTIN, TENNESSEE**

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ZONING ORDINANCE FOR MARTIN, TENNESSEE

AUTHORITY

An ordinance in pursuance of the authority granted by Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, to provide for the establishment of districts or zones within the corporate limits of Martin, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of building, structures and land for trade, industry, residence, recreation, public activities and other purposes, to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF MARTIN, TENNESSEE, AS FOLLOWS:

ARTICLE I: TITLE AND MAP

This Ordinance shall be known and may be cited as the Zoning Ordinance of Martin, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Martin, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Zoning Map shall be located in the Martin City Hall and shall be identified by the signature of the Mayor and attested by the City Clerk. The Official Zoning Map may be amended under the procedures set forth in Article XIII of this Ordinance provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the Mayor and attested by the City Clerk.

ARTICLE II: PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of populations, to facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE III: GENERAL PROVISIONS

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to Martin, Tennessee, as a whole as follows:

Section A. Zoning Affects Every Building and Use

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

Section B. Non-conforming Uses and Structures

If within the districts established by this ordinance or amendments that may later be adopted there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment the following shall apply:

1. Any non-conforming structure may not be extended except in conformity with this ordinance.
2. Any non-conforming use of land or structure may not be changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals (BZA).
3. Any structure housing a non-conforming use may be extended, rebuilt, or repaired so long as the activity takes place on the existing lot with lot being defined as a legally recorded parcel or plot of land created prior to the adoption of this ordinance. Under no circumstances shall the lot be enlarged.
4. Any non-conforming use or structure may not be re-established after discontinuance of one year.
5. All non-conforming signs and billboards shall be torn down, altered, or otherwise made to conform within one (1) year from the date of the adoption of this ordinance.
6. All non-conforming junk yards, commercial animal yards, and lumber yards not on the same lot with a plant, sales building or factory shall be torn down, altered or otherwise made to conform to the provisions of this ordinance within five (5) years from the adoption of this ordinance.

Section C. Buildings Prohibited in Flood Plains

No building permit shall be issued for the construction of any building for any residential, business, industrial or public use, which would be within the flood plain of any creek, ditch or stream, or which is subject to periodic or occasional inundation, as determined by the BZA. This shall be construed to include the storage of any materials which may float and cause drainage obstructions.

Section D. Reduction in Lot Area Prohibited

No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section E. Required Yard Cannot be Used by Another Building

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

Section F. Rear Yard Abutting a Public Street

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

Section G. Off Premises Business Directional Signs

In order to promote the economic welfare of the Martin community, directional signs will be allowed for certain business not located on a thoroughfare designated as a federal or state route or as a collector or arterial-status street on the Martin Major Road Plan. Such signs are allowed in any municipal zoning district. However, the placement of the signs must be in accordance with the following provisions:

1. All such signs must be permitted through the Office of the Building Inspector (Code Enforcement).
2. All signs must be located on a metal pole, approved by the enforcement officer.
3. Per Section B. of this article, no sign shall be allowed between a height of two point five (2.5) feet and ten (10) feet, where the sign is located within ten (10) feet of the front property line, in order to prevent any obstruction of vision. Signs more than ten (10) feet from the public right-of-way may not exceed twelve (12) feet in height.
4. All signs must conform to the uniform dimensions of thirty-six (36) inches in width and twenty-four (24) inches in height.
5. All signs must be of a metal, or equally durable, material, so as to appear as a standard public road sign, and must contain reflective lettering and a directional arrow.
6. No more than one approved pole supporting no more than two approved signs may be located on any one lot-of-record.
7. All signs must be located on private property, and may be placed only through the permission of the property owner.
8. Such signs are allowed in any zoning district. However, if such sign is proposed with the Historic Overlay District, the sign and pole must meet the approval of the Martin Historic Zoning Commission.

Section H. Off-street Automobile Storage

1. Off-Street Parking and Paving Requirements

There shall be provided, at the time of erection of any building or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use or occupancy to another, permanent off-street parking as specified in this section. Parking space maintained in connection with an existing and continuing principal building on the effective date of this resolution shall not be counted as serving a new building or addition; nor shall any parking space be substituted for loading space, nor any loading space substituted for a parking space. A residential off street parking space shall consist of a driveway and either a parking space, carport or garage. All parking and maneuvering areas will consist of a paved surface.

2. Location

Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot, the BZA may permit parking space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use.

3. Size and Maneuvering Room

Each parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.ⁱ A minimum of 400 square feet per parking spaces shall be used when computing parking area to include maneuvering space. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.

4. Surfacing

All required parking area must be of an asphalt or concrete paved surface. The parking area shall be surfaced before issuance of a Certificate of Occupancy. This requirement does not apply to a single family or two family structures on a single lot.

5. Curbing

Any required parking area larger than 2,000 square feet in total area shall be provided with six-inch concrete curbing, which may be of a rolled-curb type.

6. Access

Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

7. May Serve as Yard Space

Parking spaces may be included as part of the required yard space associated with the permitted use.

8. Minimum Number of Spaces for Specific Uses:ⁱⁱ

Use	Minimum Number of Parking Spaces Required
Dwelling Units	2 spaces per dwelling unit
Office	1 space per 300 gross square feet
Retail	1 space per 200 gross square feet
Over 10,000 sq. ft.	1 space per 300 gross square feet
Restaurant	1 space per 100 gross square feet
Health Club	1 space per 100 gross square feet
Warehouse	1 space per 1,000 gross square feet
Assembly	1 space per 300 gross square feet
Medical Office	1 space per 200 gross square feet
Schools	1 space per 3.5 seats in assembly rooms plus 1 space per faculty member
Day Care / Child Care	1 space per care room (Minimum of 5 spaces) with adequate stacking area
Hotels/Motels/Dormitories	1 space per guest room 1/500 square feet of common area
Industry	1 space per 1,000 square feet
Over 100,000 sq. ft.	1 space per 5,000 square feet

9. Handicapped Parking

In all developments, handicapped parking spaces shall be provided which have a minimum width of 12 feet. The number of handicapped parking spaces in relation to the total number of spaces is listed below.

<u>Spaces in Lot</u>	<u>Handicapped Spaces</u>	<u>Spaces in Lot</u>	<u>Handicapped Spaces</u>
Up to 25	1	151 to 200	6
26 to 50	2	201 to 300	7
51 to 75	3	301 to 400	8
76 to 100	4	401 to 500	9
101 to 150	5	501 to 1,000	2% of Total

Section I. Off-Street Loading and Unloading Space

Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles of the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street

Section J Access Control

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

1. A point of access, i.e. a drive or other opening for vehicles onto a street shall not exceed forty (40) feet in width.
2. There shall be no more than two (2) points of access to any one (1) public street on a lot less than four hundred (400) feet but more than one hundred (100) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on city streets or rights-of-ways shall be cut or altered without written approval of the Building Inspector.
6. Cases requiring variances relative to this action and hardships not caused by property owner 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.

Section K. Manufactured Residential Dwellings

Manufactured residential dwellings, as defined in Article 9 of this Ordinance and as further defined in Tennessee Code Annotated, Section 13-24-201, where allowed as a permitted use by this Ordinance shall meet the following conditions:

1. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.

2. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
3. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
4. The hitches or towing apparatus, axles and wheels must be removed.
5. The roof must be pitched so there is at least a two inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal.
6. All such units shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance of the Southern Standard Building Code and National Electrical Code.
7. These provisions shall not apply to manufactured homes in an approved mobile home park.

Section L. Awnings and Canopies in Required Yards

Awnings or canopies for loading and unloading automobile passenger vehicles may be allowed in any required yard for schools, churches, day care centers and other places of assembly allowed in any zone, upon approval of the design of such awning or canopy by the BZA as a special exception for attached accessory use, subject to the following:

1. Awnings or canopies may extend into the required front, side, or rear yard only when serving as an automobile passenger loading zone;
2. Awnings or canopies may not cover required parking spaces;
3. Awnings or canopies may not extend over public right-of-way;
4. Awnings or canopies may not obstruct vision at any street intersection or driveway;
5. The design of the awning or canopy shall be limited to a linear distance of single file vehicle loading of no more than forty(40) feet of cover, and any reasonable distance for covered access to the principal structure; and,
6. The BZA may attach such conditions as may be required in order to preserve and protect the character of the area in which the proposed awning or canopy is to be located.

Section M. Off Street Refuse Collection

Off- Street refuse collection shall be required in all residential developments of four (4) or more units and in all commercial and industrial developments. A refuse collection site shall be easily accessible from a public road and shall consist of a receptacle placed upon a cement pad. The pad and receptacle shall be screened on all sides in such a manner to prevent common view, while still allowing public vehicle access. A gate is mandatory, and is to remain latched except for collection days. Vegetative screening, such as trees or shrubby, is preferred whenever possible. Upon placement, screening must be at least six (6) feet in height. If vegetative

screening is not feasible, fencing may be utilized. If fencing is used, the allowable materials will include treated wood, brick, ornamental metal, masonry, or some combination of the prescribed materials. The use of untreated wood, chain-link fencing, plastic, wire or corrugated metal panels shall not be allowed.

Section N. Site Plan Review Requirements

The following procedures and standards are established for those sections of this ordinance which require the submission and approval of a site plan prior the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this ordinance.

1. Site Plan Submission and Review - Site plan review is required under three (3) separate instances by the Martin Municipal Zoning Ordinance. These instances include:
 - a. The review and approval of a site plan by the Martin Building Inspector for any addition under five-thousand (5,000) square feet or any single family or two (2) family structure. The building inspector reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 - b. The review and approval of a site plan for any Permitted Use by the Martin Municipal / Regional Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the city. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 - c. The review and approval of a site plan for any Use Permitted on Appeal by the Martin Municipal BZA as required by this ordinance. The BZA may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the city. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
2. Review Procedure - In instances of review of a site plan by the Martin Municipal / Regional Planning Commission, the Martin Municipal BZA or the Martin Building Inspector, the following procedures shall apply.
 - a. Building Inspector Review

In instances of review by the Martin Building Inspector, the site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.
 - b. Planning Commission Review

- (1) The owner or developer shall submit ten (10) copies of the proposed site plan to the Building Inspector fifteen (15) days prior to the regular meeting date of the Planning Commission. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons(s) the site plan was disapproved.
 - (2) Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed by the Building Inspector to other affected city departments for review of areas under their concern. Once city staff has reviewed the proposed development and has submitted a written review to the Building Inspector, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.
- c. Board of Zoning Appeals Review
- (1) The owner or developer shall submit ten (10) copies of the proposed site plan to the Building Inspector fifteen (15) days prior to the regular meeting date of the BZA. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Chairman of the BZA. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.
 - (2) Prior to the scheduled meeting, copies of the proposed site plan shall be distributed by the Building Inspector to other affected city departments to review those areas under their responsibility. Once city staff has reviewed the proposed development and has submitted a written review to the Building Inspector, a copy of these reviews shall be distributed to members of the BZA and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.
3. Contents of the Site Plan - In instances where site plan review is required by either the Planning Commission, the BZA or the Building Inspector the site plan shall be drawn to a scale of not less than 1" = 50' and shall include, at a minimum, the following:
- a. Name and address of development.
 - b. Name and address of the applicant and owner of record.
 - c. Present zoning of the site and abutting properties.
 - d. Date, graphic scale, and north point with reference to source of meridian.
 - e. Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of -way.
 - f. The total land area.

- g. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating two (2)-foot contours and by spot elevation where necessary to indicate flat areas.
- h. Certification as to the accuracy of the plan by a licensed architect or engineer.
- i. A certificate, with a space for a signature and date, which states that the site plan has been approved by either the Martin Municipal / Regional Planning Commission or the Martin Municipal BZA, which ever is applicable to the type of use that is requested.
- j. The location, dimensions, site and height of the following when existing:
 - (1) Sidewalks, streets, alleys, easements and utilities.
 - (2) Buildings and structures.
 - (3) Public waste water systems.
 - (4) Slopes, terraces and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Trees and shrubs.
 - (8) Recreational areas and swimming pools.
 - (9) Natural and artificial water courses.
 - (10) Limits of flood plains.
- k. The location, dimensions, site and height of the following when proposed:
 - (1) Sidewalks, streets, alleys, easements and utilities.
 - (2) Buildings and structures including the front (street) elevation of proposed buildings.
 - (3) Public waste water systems.
 - (4) Slopes and terraces, and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Trees and shrubs.
 - (8) Recreational areas.
 - (9) Distances between buildings.
 - (10) Estimates of the following when applicable:
 - (a) Number of dwelling units.
 - (b) Number of parking spaces.
 - (c) Number of loading spaces.
 - (d) Number of commercial or industrial tenants and employees.

- (e) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - (f) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown by two (2) foot contours.
1. In instances where the proposed construction is an individual single-family or two (2) family residences, the site plan shall consist of the following:
 - (1) All property lines and their surveyed distances and courses.
 - (2) All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
 - (3) Total land area.
 - (4) Present zoning of site and abutting properties.
 - (5) Name, address of owner of record and applicant.
 - (6) Provisions for utilities (water, sewer, etc.)
 - (7) Location and dimensions of the proposed structures.

Off-street refuse collection shall be required in all residential developments of four (4) or more units and in all commercial and industrial developments. A refuse collection site shall be easily accessible from a public road and shall consist of a receptacle placed upon a cement pad. The pad and receptacle shall be screened on all sides in such a manner to prevent common view, while still allowing public vehicle access. A gate is mandatory, and is to remain latched except for collection days. Vegetative screening, such as trees or shrubby, is preferred whenever possible. Upon placement, screening must be at least six (6) feet in height. If vegetative screening is not feasible, fencing may be utilized. If fencing is used, the allowable materials will include treated wood, brick, ornamental metal, masonry, or some combination of the prescribed materials. The use of untreated wood, chain-link fencing, plastic, wire or corrugated metal panels shall not be allowed.

4. Expiration of Approval and Renewal - A site plan approved by the Planning Commission or the BZA shall lapse unless a building permit, based thereon, is issued within one (1) year from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

Section O. Telecommunication Tower Regulations

In addition to the requirements of the applicable district and the general requirements of the zoning ordinance, a special exception shall be granted for Telecommunications Towers when the following standards are met as part of the condition for issuing the permit in the applicable zone districts.

1. Setbacks

- A. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to sixty (60) percent of the tower height or the district yard requirement, whichever is greater. By virtue of the requirement of setbacks all such sites shall either reside on a lot of record, in which case the tower becomes a primary land use, or be platted as a conforming lot approved by the Planning Commission.
- B. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, shall be equal to one hundred (100) percent of the tower height.

2. Shared Use

- A. The shared use of existing towers shall be required throughout the City. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove, *through documentation by the appropriate entity*, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one (1) mile of the proposed tower due to one (1) of the following reasons:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.
 - (b) The planned equipment would cause radio frequency (RF) interference with existing or planned equipment.
 - (c) The planned equipment would not function effectively and reasonably on an existing tower.
 - (d) Geographic service requirements would prevent the co-use of an existing tower and structure.
- B. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. A tower and compound shall be designed for the co-use of a minimum of three (3) fully sectorized antenna arrays, unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees in writing to pay any reasonable rate for the shared use.

3. Type

All new towers over sixty (60) feet in height shall be of mono-pole type structure. No lattice type antennas or towers over sixty (60) feet in height shall be permitted in the City of Martin.

4. Structural requirements

Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide *written certification* from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (0.5) inch radial ice.

5. Screening and Landscaping

- A. For all ground structures and buildings, special care shall be taken to minimize the effects on adjacent residential areas.
- B. All ground structures shall be screened in a manner which consists of a minimum of an eight (8) foot-wide *landscaped* strip around the perimeter of the security fencing. The screen shall consist of a combination of trees, shrubs, vines and ground covers that *blends and enhances* the appearance of the ground structures with the surrounding area. An opaque or solid screen shall be installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (78) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

6. Height

- A. No tower shall exceed a height of 195 feet, measured from the tower base to the highest attachment to the tower. It must be noted that, any variance past the height limitation would automatically negate the intent of this provision by resulting in a lighted tower. This is due to FAA (Federal Aviation Administration) regulations that require any tower more than 200 feet in height to be lighted.
- B. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum tower height shall not exceed the height of the structure plus 30 feet. In instances when a tower is to be located atop an existing structure other than a utility structure, the structure must be for solely public uses and such new use of the structure must be approved by the BZA as an accessory use, with the height not to exceed the height of the structure plus 30 feet.

7. Co-Located Towers and Antennas

The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height or on public buildings approved for such a use by the BZA.

8. Vehicle Access Control

The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Martin Municipal Planning Commission in accordance with these regulations. If the easement is a new easement, not yet recorded, the easement must be approved through the submission and approval of a subdivision plat per the Martin Municipal Subdivision Regulations.

9. Lighting

- A. Towers: No artificially lighted tower shall be permitted in the City of Martin. If the proposed tower is required, by the FAA to be lighted, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
- B. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is

approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and shall not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

10. Security

The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater. If the security fencing is not of an opaque type, an additional screening fence of an opaque type must be added to the exterior of the site.

11. Removal of Obsolete Towers

A. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

B. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Mayor of Martin and the City Administrator and then approved by the Planning Commission during the site plan review process.

12. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan shall be required in accordance with the following provisions, as well as any site plan provisions included within the Zoning Ordinance.

A. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial user's accessory structure and the location of two (2) future accessory structures.

B. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.

C. A letter from a *professional engineer* certifying that the tower's height and design comply with these regulations and applicable structural standards and also describing the tower's capacity, which includes the number and type of antennas that can be accommodated.

D. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

ARTICLE IV ESTABLISHMENT OF DISTRICTS

Section A. Classification of Districts

For the purpose of this Ordinance, Martin, Tennessee is hereby divided into sixteen (16) districts, designated as follows:

Residential:	R-1	Low Density
	R-1A	High Density Single Family
	R-2	Medium Density
	R-3	High Density
	R-4	Professional-Residential
Business:	B-1	General Commercial Business District
	B-2	Intermediate Business District
	B-3	Central Business District
	P-B	Planned Business District
	H	Hospital
	U	University
Industrial:	M-1	Light
	M-2	Heavy
Special Use:	F	Flood
	HD	Historic
	PD	Planned Development Overlay Zone ⁱⁱⁱ

Section B. Boundaries of Districts

1. The boundaries of districts in Section A of this Article are hereby established as shown on the Official Zoning Map entitled "Zoning Map of Martin, Tennessee", which is a part of this Ordinance and which is on file in the City Hall.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the BZA.
3. Where a district boundary divides a lot as 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 be extended to twenty (20) feet within the more restricted district within said lot.

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ARTICLE V PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section A. R-1 (Low Density Residential) District

Within the R-1 (Low Density Residential) District, as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted
 - (a) Single-family dwellings.
 - (b) Manufactured residential dwellings as defined in Article 9 and subject to the provisions of Article 3, Section L of this Ordinance.
 - (c) Accessory buildings or uses customarily incidental to any aforementioned permitted use.
 - (d) Real estate signs advertising the sale, rental or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
2. Uses Permissible on Appeal
 - (a) Churches and other places of worship, parish houses public libraries, schools offerings general education courses, public parks and public recreational facilities, railroad rights-of-way may be permitted, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the BZA. The BZA may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.
 - (b) The BZA may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the BZA and subject to such conditions as the BZA may require in order to preserve and protect the character of the district in which the proposed use is located.
 - (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
 - (1) The proposed use shall be located and conducted in the principal building only;
 - (2) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

- (3) Not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (4) The proposed use shall not constitute primary or incidental storage facilities for a business, or industrial or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - (7) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
- (d) Day care centers and group day care homes not in residences, provided the following requirements and conditions are met:
- (1) The use must be located on property where the most recent use was a non-residential use, and where, in the opinion of the BZA, the proposed use will not have a detrimental effect on the neighborhood;
 - (2) The use shall be located on collector or arterial status streets as indicated on the Major Street Plan of the city, and shall provide access from such streets only;
 - (3) An accurately drawn and scaled site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the BZA;
 - (4) An enclosed fenced play area shall be provided equal to 2,400 square feet, plus fifty (50) square feet of play area per child over twelve children for which the facility is licensed by the State of Tennessee;
 - (5) All outdoor play activities shall be conducted within the fenced play area;
 - (6) The BZA shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
 - (7) Parking shall be provided as required in Article III;
 - (8) All dimensional requirements of the zone shall be met; and
 - (9) Any other requirements which the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.
- (e) Family day care homes and group day care homes in residences, provided that all the following requirements and conditions are met:
- (1) The use will be located in an area where, in the opinion of the BZA, the proposed use will not have a detrimental effect on the neighborhood;
 - (2) An accurately drawn site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the BZA;

- (3) An enclosed fenced play area of 1,400 square feet shall be provided.
- (4) All outdoor play activities shall be conducted within the fenced play area;
- (5) The BZA shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
- (6) Parking shall be provided as required in Article III;
- (7) All dimensional requirements of the zone shall be met; and
- (8) Any other requirements which the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this Article. This shall include advertising signs or billboards, except as specifically permitted by these provisions.

4. Side Yards on Corner Lots

Same as the required front yard.

5. Location of Accessory Buildings

(a) No accessory building shall be erected in any required front or required side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform to front yard setbacks for both intersecting streets.

6. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum required lot area.

- | | |
|--------------------|--|
| (1) Dwelling Units | 10,000 square feet |
| (2) Churches | One (1) acre or 200 square feet of lot area per auditorium seat, whichever is greater. |
| (3) Schools | Eight (8) acres plus one (1) acre for each 100 students. |
| (4) Other Uses | As required by the BZA. |

(b) Minimum required lot width at the building line.

- | | |
|---------------|-------------------------|
| (1) Dwellings | 75 feet |
| (2) Churches | 200 feet |
| Other Uses | As required by the BZA. |

(c) Minimum required front yard

- | | |
|---------------|---------|
| (1) Dwellings | 30 feet |
|---------------|---------|

- | | |
|--|---|
| (2) Churches | 40 feet |
| (3) Other Uses | 40 feet or more as required by the BZA. |
| (d) Minimum required rear yard | |
| (1) Dwellings | 15 feet |
| (2) Churches | 30 feet |
| (3) Other Uses | 20 feet or more as required by the BZA. |
| (e) Minimum required side yard on each side of lot | |
| (1) Dwellings | 15 feet |
| (2) Churches | 30 feet |
| (3) Other Uses | 15 feet or more as required by the BZA. |
| (f) Maximum lot coverage by all buildings | |
| (1) Dwellings and accessory | 30% |
| (2) Churches | 25% |
| (3) Other Uses | 50% or less as required by the BZA |

(g) Maximum permitted height of structures.

No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.

7. Maximum Number of Principal Buildings

(a) Residential uses shall be limited to one (1) principal building per lot.

(b) Uses other than residential shall have no limitations on the number of buildings provided that Article V, Section A. 6. (a) through Article V, Section A. 6. (g) are met.

8. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section N. of this ordinance for all permitted uses and uses permitted on appeal, except for single family or two (2) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

SECTION A.1 R-1A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICTS

A. Purpose and Intent

These districts are designed to provide suitable areas for high 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 feasible. Generally, these districts will be characterized by single family detached dwellings.

B. Uses and Structures

- (a) Single family zero lot line and single family detached residential dwellings
- (b) Manufactured residential dwellings as defined in Article 9 and subject to the provisions of Article 3, Section L of this Ordinance.
- (c) Accessory buildings or uses customarily incidental to any aforementioned permitted use.
- (d) Real estate signs advertising the sale, rental or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

2. Uses Permissible on Appeal

- (a) Churches and other places of worship, parish houses public libraries, schools offerings general education courses, public parks and public recreational facilities, railroad rights-of-way may be permitted, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
 - (1) the proposed use shall be located and conducted in the principal building only;

- (2) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- (3) not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
- (4) the proposed use shall not constitute primary or incidental storage facilities for a business, or industrial, or agricultural activity conducted elsewhere;
- (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
- (d) Day care centers and group day care homes not in residences, provided the following requirements and conditions are met:
 - (1) The use must be located on property where the most recent use was a non-residential use, and where, in the opinion of the Board of Zoning Appeals, the proposed use will not have a detrimental effect on the neighborhood;
 - (2) The use shall be located on collector or arterial status streets as indicated on the Major Street Plan of the city, and shall provide access from such streets only;
 - (3) An accurately drawn and scaled site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the Board of Zoning Appeals;
 - (4) An enclosed fenced play area shall be provided equal to 2,400 square feet, plus fifty (50) square feet of play area per child over twelve children for which the facility is licensed by the State of Tennessee;
 - (5) All outdoor play activities shall be conducted within the fenced play area;
 - (6) The Board of Zoning Appeals shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
 - (7) Parking shall be provided as required in Article III;
 - (8) All dimensional requirements of the zone shall be met; and
 - (9) Any other requirements which the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.
- (e) Family day care homes and group day care homes in residences, provided that all the following requirements and conditions are met:
 - (1) The use will be located in an area where, in the opinion of the Board of Zoning Appeals, the proposed use will not have a detrimental effect on the neighborhood;

- (2) An accurately drawn site plan of the proposal shall be submitted showing the placement of buildings, parking, driveways and entrances, fenced play area, and other design elements and information necessary for proper review by the Board of Zoning Appeals;
- (3) An enclosed fenced play area of 1,400 square feet shall be provided.
- (4) All outdoor play activities shall be conducted within the fenced play area;
- (5) The Board of Zoning Appeals shall specifically address the need for setback or buffering of the fenced play area, and may require setback and/or buffering to protect adjacent residential uses;
- (6) Parking shall be provided as required in Article III;
- (7) All dimensional requirements of the zone shall be met; and
- (8) Any other requirements which the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this Article. This shall include advertising signs or billboards, except as specifically permitted by these provisions.

4. Bulk Regulations

a. Minimum Development Size

Them minimum development size for the R-1A Zoning District shall be five (5) acres.^{iv}

b. Minimum Required Lot Area

Within the R-1A Districts, the minimum required lot area for one-family detached dwelling shall be 6,000 square feet.

Within the R-1A Districts, the minimum required lot area for a zero lot line dwelling unit shall be 5,000 square feet.

c. Minimum Lot Width at the Building Line

Within the R-1A Districts, the width of a lot at the building line shall be at least sixty (60) feet.

The minimum required lot width at the building line for zero lot line developments shall be fifty (50) feet.

c. Maximum lot coverage

Maximum lot coverage by all buildings is 35%.

d.. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

5. Yard Requirements

a. Front Yards

In all R-1A Districts, front yards shall be a minimum of twenty five (25) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

b. Side Yards

Interior Lots: Minimum of ten (10) feet

Minimum required side yard for all zero lot line dwellings. The dwelling unit shall be placed on one interior side property line with a zero (0) foot setback and the dwelling unit setback on the other interior property line shall be a minimum of fifteen (15) feet.

c. Rear Yards

In all R-1A Districts, rear yards shall be a minimum of ten (10) feet.

Section B. R-2 (Medium Density Residential) District

Within the R-2 (Medium Density Residential) District, as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Single-family dwellings, duplexes (subject to the provisions of Article VIII, Section C of this Ordinance, if applicable).
- (b) Manufactured residential dwellings as defined in Article VIX and subject to the provisions of Article III, Section A of this Ordinance.
- (c) Accessory buildings customarily incidental to any aforementioned permitted use.
- (d) Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

2. Uses Permissible on Appeal

- (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, and railroad rights-of-way may be permitted, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the BZA. The BZA may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The BZA may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the BZA and subject to such conditions as the BZA may require in order to preserve and protect the character of the neighborhood in which the proposed use is located.
- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
 - (1) the proposed use shall be located and conducted in the principal building only;
 - (2) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;

- (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located; and
 - (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
- (d) Bed and Breakfast Inns are permitted as a use on appeal provided that the following conditions have been met and it is approved by a majority vote of the Martin BZA.
- (1) A minimum of one parking space per room to be occupied by guests shall be provided for in addition to any residential parking on premises.
 - (2) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood.
 - (3) Signs advertising the Bed and Breakfast Inn shall not be permitted on the lot where it is located.
 - (4) No more than three (3) rooms or fifteen (15%) percent of the dwelling unit to be used as the Bed and Breakfast Inn (whichever is the most restrictive) shall be allowed to be used for occupancy by guests at the Bed and Breakfast Inn.
 - (5) Proprietors of the Bed and Breakfast Inn shall also be residents of the dwelling in which it is located.
 - (6) All area and yard requirements of the district must be met.
 - (7) An accurately drawn plan shall be presented to the BZA at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Martin BZA.
 - (8) The BZA may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance.
- (e) Family day care centers, group day care centers, and day care centers provided that no building permit or certificate of occupancy for such use, or business license be issued by the City of Martin without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located; and further provided that:
- (1) An accurately drawn site plan of the proposal be provided showing the necessary information for the BZA to make a determination.
 - (2) Adequate screening, fencing and landscaping be provided to serve the purposes of noise abatement, containment of children and reduction of sight impact to surrounding residential property as determined necessary by the BZA. All play areas

shall be fenced, enclosed and shall contain a minimum of fifty (50) square feet of space per child for which the facility is licensed.

- (3) That adequate parking be provided as required in Article III of this ordinance.
- (4) Group daycare and daycare centers shall not be located on minor residential streets.
- (5) That all dimensional requirements of the district are complied with.

3. Uses Prohibited

(a) Any other use or structure not specifically permitted or permissible on appeal in this Article. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.

4. Side Yards on Corner Lots

Same as the required front yard.

5. Location of Accessory Buildings

(a) No accessory building shall be erected in any front or required side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform to front yard setbacks for both intersecting streets.

6. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum required lot area.

- | | |
|-------------------------------------|---|
| (1) Dwelling units: Single / Duplex | 8,000 square feet for the first dwelling unit plus 4,000 square feet for each additional dwelling unit. |
| (2) Churches | One (1) acre or 200 square feet of lot area per auditorium seat, whichever is greater. |
| (3) Schools | Eight (8) acres plus one (1) acre for each 100 students. |
| (4) Other Uses | As required by the BZA. |

(b) Minimum required lot width at the building line.

- | | |
|----------------|-------------------------|
| (1) Dwellings | 60 feet |
| (2) Churches | 100 feet |
| (3) Other Uses | As required by the BZA. |

(c) Minimum required front yard.

- | | |
|----------------|---|
| (1) Dwellings | 25 feet |
| (2) Churches | 30 feet |
| (3) Other Uses | 30 feet or more as required by the BZA. |

- (d) Minimum required rear yard.
 - (1) Dwellings 15 feet
 - (2) Churches 35 feet
 - (3) Other Uses 15 feet or more as required by the BZA.
- (e) Minimum required side yard on each side of lot.
 - (1) Dwellings 10 feet
 - (2) Churches 25 feet
 - (3) Other Uses 10 feet or more as required by the BZA.
- (f) Maximum lot coverage by all buildings.
 - (1) Dwellings, townhouses and accessory structures 35%
 - (2) Churches 30%
 - (3) Other Uses 50% or less as required by the BZA.
- (g) Maximum permitted height of structures.
 - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.
 - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
 - (3) No accessory building shall exceed two (2) stories in height.
 - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

7. Maximum Number of Principal Buildings

- (a) Residential uses shall be limited to one (1) principal building per lot.
- (b) Uses other than residential shall have no limitations on the number of buildings provided that Article V, Section A. 6. (a) through Article V, Section A. 6. (g) are met.

8. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section N. of this ordinance for all permitted uses and uses permitted on appeal, except for single family or two (2) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section C. R-3 (High Density Residential) District

Within the R-3 (High Density Residential) District, as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Single-family dwellings and fraternities/sororities.
- (b) Duplexes, multi-family dwellings, townhouses and apartments.

2. Uses Permissible on Appeal

- (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, embalming facilities and casket sales and railroad right-of-way may be permitted, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the BZA. The BZA may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The BZA may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the BZA and subject to such conditions as the BZA may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
 - (1) the proposed use shall be located and conducted in the principal building only;
 - (2) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and

(d) Family day care centers, group day care centers, and day care centers provided that no building permit or certificate of occupancy for such use, or business license be issued by the City of Martin without the written approval of the BZA and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located; and further provided that:

(1) An accurately drawn site plan of the proposal be provided showing the necessary information for the BZA to make a determination.

(2) Adequate screening, fencing and landscaping be provided to serve the purposes of noise abatement, containment of children and reduction of sight impact to surrounding residential property as determined necessary by the BZA. All play areas shall be fenced, enclosed and shall contain a minimum of fifty (50) square feet of space per child for which the facility is licensed.

(3) That adequate parking be provided as required in Article III of this ordinance.

(4) Group daycare and daycare centers shall not be located on minor residential streets.

(5) That all dimensional requirements of the district are complied with.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this Article. This shall include advertising signs or billboards, except as specifically permitted by these provisions.

4. Side Yards on Corner Lots

Same as the required front yard.

5. Location of Accessory Buildings

(a) No accessory building shall be erected in any front or required side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform to front yard setbacks for both intersecting streets.

6. Regulations Controlling Lot Area, Lot Width, Yards, Building Height.

(a) Minimum required lot area.

(1) Dwelling units: Single and Multi-family 6,000 square feet for the first dwelling unit plus 2,000 square feet for each additional dwelling unit.

(2) Apartments 1,200 square feet per dwelling unit with a minimum lot size of 6,000 square feet

(3) Townhouses 1,400 square feet for any unit, provided however, the over-all

	density shall be no lower than 2,000 square feet per unit.
(4) Churches	20,000 square feet or 200 square feet of lot area per auditorium seat, whichever is greater.
(5) Schools	Eight (8) acres plus one (1) acre for each 100 students.
(6) Other Uses	As required by the BZA.
(b) Minimum required lot width at the building line.	
(1) Dwellings	50 feet
(2) Apartments and Townhouses	None
(3) Churches	70 feet
(4) Other Uses	As required by the BZA
(c) Minimum required front yard.	
(1) Dwellings	20 feet
(2) Apartments and Townhouses	15 feet
(3) Churches	25 feet
(4) Other Uses	25 feet or more as required by the BZA.
(d) Minimum required rear yard.	
(1) Dwellings	10 feet
(2) Apartments and Townhouses	10 feet
(3) Churches	20 feet
(4) Other Uses	15 feet or more as required by the BZA
(e) Minimum required side yard on each side of lot.	
(1) Dwellings	7 feet
(2) Apartments and Townhouses	None on side with townhouse common wall, 7 feet in all other cases
(3) Churches	20 feet
(4) Other Uses	10 feet or more as required by the BZA
(f) Maximum lot coverage by all buildings.	
(1) Dwellings	45%
(2) Apartments and Townhouses	60%

- (3) Churches 35%
- (4) Other Uses 50% or less as required by the BZA

(g) Maximum permitted height of structures.

- (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.
- (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
- (3) No accessory building shall exceed two (2) stories in height.
- (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

(h) Minimum required distance between principal buildings on the same lot.

- (1) All Uses: Fourteen (14) feet

7. Maximum Number of Principal Buildings

- (a) Single Family Dwellings shall be limited to one (1) principal building per lot.
- (b) All other uses shall have no limitations on the number of buildings provided that the provisions of Article V, Section C. 6. (a) through Article V, Section C. 6. (g) are met.

8. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section N. of this ordinance for all permitted uses and uses permitted on appeal except for single family or two (2) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section D. R-4 (Residential-Professional) District

Within the R-4 (Residential-Professional) Districts, as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Single family dwellings, not mobile homes
- (b) Duplexes
- (c) Services - limited to:
 - (1) Finance, insurance and real estate services
 - (2) Personal services, excluding other personal services, NEC*
 - (3) Business services, including only
 - (a) Advertising services
 - (b) Consumer and mercantile credit reporting services, adjustment and collection services.
 - (c) Duplicating, mailing and stenographic services
 - (d) News syndicate services
 - (e) Employment services
 - (f) Other business services, NEC*, excluding equipment rental and leasing services, automobile and truck rental services and other business services, NEC* (6399). *
NEC - Not Elsewhere Coded
 - (4) Professional services
 - (5) Governmental services, excluding correctional institutions, military bases and reservations
- (d) Accessory buildings customarily incidental to any aforementioned permitted use.
- (e) Real estates signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

2. Uses Permissible on Appeal

- (a) Clinics (outpatient), professional and business offices and services, professional membership organizations, churches and other places of worship, parish houses, public libraries, public parks and recreational facilities, and railroad rights-of-way may be permitted, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the BZA. The BZA may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

- (b) The BZA may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the BZA and subject to such conditions as the BZA may require in order to preserve and protect the character of the neighborhood in which the proposed use is located.
- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
 - (1) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (2) not more than twenty-five (25) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (3) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (4) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (5) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- (d) Family day care centers, group day care centers, and day care centers provided that no building permit or certificate of occupancy for such use, or business license be issued by the City of Martin without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed use is to be located; and further provided that:
 - (1) An accurately drawn site plan of the proposal be provided showing the necessary information for the BZA to make a determination.
 - (2) Adequate screening, fencing and landscaping be provided to serve the purposes of noise abatement, containment of children and reduction of sight impact to surrounding residential property as determined necessary by the BZA. All play areas shall be fenced, enclosed and shall contain a minimum of fifty (50) square feet of space per child for which the facility is licensed.
 - (3) That adequate parking be provided as required in Article III of this ordinance.
 - (4) Group daycare and daycare centers shall not be located on minor residential streets.
 - (5) That all dimensional requirements of the district are complied with.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this Article.

4. Side Yards on Corner Lots

Same as the required front yard.

5. Location of Accessory Buildings

(a) No accessory building shall be erected in any front or required side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform to front yard setbacks for both intersecting streets.

6. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum required lot area.

(1) Dwelling units: Single and Multiple Family 6,000 square feet for the first dwelling unit plus 3,500 square feet for each additional dwelling unit.

(2) Other Uses As required by the BZA.

(b) Minimum required lot width at the building line.

(1) Dwellings 50 feet

(2) Other Uses As required by the BZA.

(c) Minimum required front yard.

All Uses 30 feet

(d) Minimum required rear yard.

All Uses 15 feet

(e) Minimum required side yard.

(1) Dwellings 7 feet

(2) Other Uses None on side with common wall, seven (7) feet in all other cases.

(f) On side facing street

All Uses 30 feet

(g) Maximum lot coverage by all buildings.

(1) Dwellings 40%

(2) Other Uses As may be required by the BZA.

(h) Minimum required distance between principal buildings on the same lot.

All Uses Fourteen (14) feet

(i) Maximum permitted height of structures.

(1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.

(2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(3) No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

(4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

7. Maximum Number of Principal Buildings

(a) Single Family Dwellings shall be limited to one (1) principal building per lot.

(b) All other uses shall have no limitations on the number of buildings provided that the provisions of Article V, Section D. 6. (a) through Article V, Section D. 6. (g) are met.

8. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section N. of this ordinance for all permitted uses and uses permitted on appeal except for single family or two (2) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

ARTICLE VI PROVISIONS GOVERNING BUSINESS DISTRICTS

Section A. B-1 (General Commercial) District

Within the B-1 (Local Business) Districts as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

a. Retail trade - limited to:

- (1) General merchandise
- (2) Food
- (3) Apparel and accessories
- (4) Furniture, home furnishings and equipment
- (5) Eating and drinking
- (6) Other retail trade, excluding adult oriented bookstores, adult oriented video rental stores, adult oriented arcades, adult oriented cabarets, farm and garden supplies, bottled gas, fuel oil and other retail trade, NEC*(5999)

b. Services - limited to:

- (1) Finance, insurance and real estate services
- (2) Personal services, excluding other personal services, NEC*
- (3) Business services, including only
 - (a) Advertising services
 - (b) Consumer and mercantile credit reporting services, adjustment and collection services
 - (c) Duplicating, mailing and stenographic services
 - (d) News syndicate services
 - (e) Employment services
 - (f) Other business services, NEC* except for equipment rental and leasing services, automobile and truck rental services and other business services, NEC* (6399)
- (4) Repair services, excluding automobile repair and service and other repair services NEC* (6499)
- (5) Professional services
- (6) Governmental services; excluding correctional institutions, military bases and reservations
- (7) Educational services, excluding driving schools and other special training and schooling, NEC*
- (8) Miscellaneous services, excluding other religious activities, NEC* and other miscellaneous services, NEC* (6999)

c. Public assembly, including only stadiums, arenas, field houses, auditoriums and exhibition halls

- d. Amusements, including only penny arcades, miniature golf and golf driving ranges
- e. Recreational activities excluding other sports activities, other playground and athletic areas, NEC*, marinas and other recreation, NEC*(7499)
- f. Parks excluding other parks, NEC*
- g. Public / semi-public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings, churches, cellular phone towers and utilities
- h. Group quarters
- i. Accessory buildings customarily incidental to the permitted use
- j. Signs as permitted in Article IX

* NEC - Not Elsewhere Coded

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted or permitted on appeal.

4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height The principal building shall be located so as to comply with the following requirements:

- a. Minimum required lot area

(1) Churches of lot	15,000 square feet or 200 square feet area per auditorium seating space whichever is greater.
(2) Other Uses	No minimum requirement
- b. Minimum required lot width at building line

(1) Gasoline service station	120 feet
(2) Churches	60 feet
(3) Other Uses	No minimum requirement
- c. Minimum required front yard

(1) Gasoline service stations	15 feet
(2) Churches	30 feet
(3) Other uses	25 feet
- d. Minimum required rear yard

All uses	20 feet
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- e. Minimum required side yard on each side of lot

(1) Churches	15 feet
(2) Other Uses	No minimum requirement

(3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

f. Maximum permitted height of structures

(1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;

(2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(3) No accessory building shall exceed two (2) stories in height.

(4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

g. Maximum building coverage (total for all buildings):

(1) Churches Sixty (60) percent

(2) Other uses None provided all yard requirements can be met

5. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article III, Sections H of this ordinance.

6. Location of Accessory Buildings

Accessory buildings shall conform to the following standards:

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

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

c. No accessory building shall extend into the required rear yard.

7. Exterior Storage

Exterior Storage of goods or materials of any kind shall be permitted in the rear yard only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings

All Uses None

9. Landscaping

The first five (5) feet of any required yard adjacent to a street and the first seven (7) feet of any required yard adjacent to a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section B B-2 (Intermediate Business) District

Within the B-2 (Intermediate Business) Districts as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

- a. Retail trade - limited to:
 - (1) Building materials, hardware and farm equipment
 - (2) General merchandise
 - (3) Food
 - (4) Automotive and marine craft, excluding used automotive and marine parts
 - (5) Apparel and accessories
 - (6) Furniture, home furnishings and equipment
 - (5) Eating and drinking
 - (6) Other retail trade, excluding adult oriented bookstores, adult oriented video rental stores, adult oriented arcades, adult oriented cabarets, and liquor
- b. Services - limited to:
 - (1) Finance, insurance and real estate services
 - (2) Personal services
 - (3) Business services, excluding stockyards.
 - (4) Repair services
 - (5) Professional services
 - (6) Governmental services, excluding correctional institutions, military bases and reservations
 - (7) Educational services
 - (8) Miscellaneous services
- c. Transient lodgings limited to; hotels and motels
- d. Public assembly, excluding other public assembly, *NEC (7290)
- e. Amusements, excluding other amusements, *NEC (7399)
- f. Recreational activities
- g. Parks
- h. Public / semi-public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings, churches and utilities
- i. Accessory buildings customarily incidental to the permitted use
- j. Signs as permitted in Article IX

* NEC - Not Elsewhere Coded

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted or permitted on appeal

4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height.

(a) Minimum required lot area

(1) Churches 15,000 square feet or 200 square feet of lot area per auditorium seating space whichever is greater.

(2) Other Uses No minimum requirement

(b) Minimum required lot width at building line

(1) Gasoline service station 120 feet

(2) Churches 100 feet

(3) Other Uses No minimum requirement

(c) Minimum required front yard

All uses 25 feet

(d) Minimum required rear yard

All uses 20 feet

(e) Minimum required side yard on each side of lot

(1) Churches 25 feet

(2) Other Uses 10 feet

(3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

(f) Maximum permitted height of structures

(1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;

(2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(3) No accessory building shall exceed two (2) stories in height.

(4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

(g) Maximum building coverage (total for all buildings):
(1) Churches Sixty (60) percent

(2) Other uses None provided all yard requirements can be met

5. Off Street Parking, Access Control, Loading and Unloading Requirements
As required in Article III, Sections H of this ordinance.

6. Location of Accessory Buildings

Accessory buildings shall conform to the following standards;

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

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

c. No accessory building shall extend into the required rear yard.

7. Exterior Storage

a. Exterior Storage of goods or materials of any kind shall be permitted in the rear yard only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings

All Uses None

9. Landscaping

The first five (5) feet of any required yard adjacent to a street and the first seven (7) feet of any required yard adjacent to a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

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Section C. B-3 (Central Business) District

Within the B-3 (Central Business) Districts as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

a. Retail trade - limited to:

- (1) General merchandise
- (2) Food
- (3) Apparel and accessories
- (4) Furniture, home furnishings and equipment
- (5) Eating and drinking
- (6) Other retail trade, excluding adult oriented bookstores, adult oriented video rental stores, adult oriented arcades, adult oriented cabarets, farm and garden supplies, bottled gas, fuel oil, liquor and other retail trade, NEC*(5999)

b. Services - limited to:

- (1) Finance, insurance and real estate services
- (2) Personal services, excluding other personal services, NEC*
- (3) Business services, including only:
 - (a) Advertising services
 - (b) Consumer and mercantile credit reporting services, adjustment and collection services
 - (c) Duplicating, mailing and stenographic services
 - (d) News syndicate services
 - (e) Employment services
 - (f) Other business services, NEC* excluding equipment rental and leasing services, automobile and truck rental services and other business services, NEC* (6399)
- (4) Repair services, excluding other repair services NEC* (6499)
- (5) Professional services
- (6) Governmental services, excluding correctional institutions, military bases and reservations
- (7) Educational services, excluding driving schools and other special training and schooling, NEC*
- (8) Miscellaneous services, excluding other religious activities, NEC* and other miscellaneous services, NEC* (6999)

c. Public assembly, including only stadiums, arenas, field houses, auditoriums and exhibition halls

d. Amusements, including only penny arcades, miniature golf and golf driving ranges

- e. Recreational activities excluding other sports activities, other playground and athletic areas, NEC*, marinas and other recreation, NEC*(7499)
 - f. Parks excluding other parks, NEC*
 - g. Public / semi-public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings, churches and utilities
 - h. Group quarters
 - i. Accessory buildings customarily incidental to the permitted use
 - j. Signs as permitted in Article IX
- * NEC - Not Elsewhere Coded

2. Uses Permitted on Appeal

- a. Apartments provided all of the following conditions are met:
 - (1) Apartments shall be an accessory use to a permitted commercial or service use.
 - (2) Apartments shall be located above the ground floor.
 - (3) A floor layout to ensure adequate space and a separate outside entrance.
 - (4) No more than two (2) apartments shall be allowed in any one (1) building.
 - (5) The use must meet the parking requirements of Article III, Section (I) of this ordinance.
 - (6) Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
 - (7) The character of the building as a commercial structure shall not be changed by the addition of the residential use.
 - (8) A site plan and floor layout shall be presented to the BZA to ensure the provisions of 1 through 7 above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city. Staff recommendations shall be provided by the staff planner, building inspector, and fire chief prior to the final decision by the BZA.
- b. Communication Towers as regulated in Article III, Section). The intent of such a conditional use is to allow appropriate use of existing structures in the Downtown area that may be appropriate for the location of a tower or antenna. The conditional use is not intended to encourage the construction of new towers in the Downtown district. Protocol for appeal of the use shall be as follows:
 - (1) a site plan shall be submitted to the BZA to illustrate the proposed conditional use;
 - (2) the BZA shall vote only on the appealed use, approval of the use does not constitute site plan approval;
 - (3) if the conditional use is approved, the site plan is forwarded to the Planning Commission for final approval; and
 - (4) after the site plan is signed by the Secretary of the Planning Commission, a building permit may be issued.

8. Maximum Number of Principal Buildings

All Uses

None

9. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section D. P-B (Planned Business) District

The intent of the Planned Business District shall be to regulate proposals which require a unified planned development of one or more structures housing multiple commercial uses and or services which are commonly referred to as a shopping center or a shopping mall. Within the areas designated P-B (Planned Business) on the Zoning Map of the City of Martin, Tennessee the following provisions shall apply.

1. Permitted Uses

a. Retail trade - limited to:

- (1) Building materials, hardware and farm equipment
- (2) General merchandise
- (3) Food
- (4) Automotive and marine craft, excluding used automotive and marine parts
- (5) Apparel and accessories
- (6) Furniture, home furnishings and equipment
- (7) Eating and drinking
- (8) Other retail trade, excluding adult oriented bookstores, adult oriented video rental stores, adult oriented arcades, adult oriented cabarets, liquor and other retail trade, NEC*(5999)

b. Services - limited to:

- (1) Finance, insurance and real estate services
- (2) Personal services
- (3) Business services, excluding stockyards
- (4) Repair services
- (5) Professional services
- (6) Governmental services, excluding correctional institutions, military bases and reservations
- (7) Educational services
- (8) Miscellaneous services

c. Transient lodgings, including only hotels and motels

d. Public assembly

e. Amusements

f. Public / semi-public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings, churches and utilities

g. Accessory buildings customarily incidental to the permitted use

h. Signs as permitted in Article IX

* Not Elsewhere Coded

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted or permitted on appeal.

4. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

a. Minimum required lot area

All Uses

Five (5) acres. All developments shall meet the minimum site area, however within the development, internal divisions of property may be allowed provided all yard and parking requirements can be met.

b. Minimum required lot width at the building line

All Uses

One-hundred (100) feet for the entire development, however divisions made within the development shall have no minimum provided all density and parking requirements can be met.

c. Minimum required front yard

All Uses

Fifty (50) feet for the entire development, however divisions made within the development shall have no minimum provided all density and parking requirements can be met.

d. Minimum required rear yard

All Uses

Twenty-five (25) feet for the entire development, however divisions made within the development shall have no minimum provided all density and parking requirements can be met.

e. Minimum required side yard on each side of the lot

All Uses

Twenty-five (25) feet for the entire development, however divisions made within the development shall have no minimum provided all density and parking requirements can be met. When common wall construction is not utilized, a

minimum distance of ten (10) feet shall be provided between structures.

f. Maximum permitted height of structures
All Uses Four (4) stories or fifty-six (56) feet

g. Maximum building coverage (total for all buildings)
All Uses None provided all area, yard and parking requirements can be met

5. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article III, Sections H of this ordinance.

6. Location of Accessory Buildings

Accessory buildings shall conform to the following standards;

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

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

c. No accessory building shall extend into the required rear yard.

7. Exterior Storage

a. Exterior Storage of goods or materials of any kind shall be permitted in the rear yard only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings

a. All Uses None

9. Landscaping

The first ten (10) feet of any required yard adjacent to a street or a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

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Section E. H (Hospital) Districts

Within the H (Hospital) district as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

- a. Professional services - limited to:
Medical and other health services
- b. Retail trade - limited to:
Drug and Proprietary
- c. Public / semi-public uses, including but not limited to municipal state or federal uses such as schools, museums, office buildings, churches and utilities
- d. Accessory buildings customarily incidental to the permitted uses
- e. Signs as permitted in Article IX

2. Uses Permitted on Appeal

The following uses are permitted on appeal provided that the activity takes place inside of a building housing a permitted use and all advertising of sales is confined to the interior of the building and is not visible from the exterior of the building.

- a. Retail trade - limited to:
 - (1) Eating places
 - (2) Other retail trade, excluding adult oriented bookstores, adult oriented video rental stores, adult oriented arcades, adult oriented cabarets, liquor and other retail trade, NEC*(5999)

* NEC - Not Elsewhere Coded

3. Uses Prohibited

Any use not specifically permitted or permitted on appeal.

4. Prohibited Uses

Any use not specifically permitted or permissible on appeal in this section.

5. Regulations Controlling Lot Area, Lot Width, Yards and Building Coverage and Building Height

- (a) Minimum required lot area
 - (1) Hospitals 5 acres
 - (2) Other Uses 20,000 square feet
- (b) Minimum required lot width at building line.
All Uses None
- (c) Minimum required front yard
All Uses 40 feet
- (d) Minimum required rear yard.
All Uses 30 feet
- (e) Minimum required side yard on each side of lot
 - (1) All Uses 10 feet

- (2) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.
- (f) Maximum permitted height of structures.
 - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;
 - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
 - (3) No accessory building shall exceed two (2) stories in height.
 - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- 5. Off Street Parking, Access Control, Loading and Unloading Requirements
As required in Article III, Sections H of this ordinance.
- 6. Location of Accessory Buildings
Accessory buildings shall conform to the following standards;
 - a. No accessory building shall extend beyond the required front yard or the front line of the principal building.
 - b. No accessory building shall extend into the required side yard.
 - c. No accessory building shall extend into the required rear yard.
- 7. Exterior Storage
Exterior Storage of goods or materials of any kind is permitted in rear and side yards only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.
- 8. Maximum Number of Principal Buildings
All Uses None
- 9. Landscaping
The first five (5) feet of any required yard adjacent to a street and the first seven (7) feet of any required yard adjacent to a residential district shall be devoted to landscaping.
- 10. Site Plan Review
Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section F Provisions Governing Mobile Home Park Developments

Single-family mobile homes in mobile home parks shall be allowed in designated districts as provided in Article V of this Ordinance, and further provided that a site plan has been submitted to and approved by the Martin Municipal-Regional Planning Commission and further provided that the mobile home park is developed in conformance with the following minimum requirements and provisions.

1. Minimum Lot Size

The minimum lot size for a mobile home park shall be two (2) acres with a minimum 6,000 square foot site for each dwelling unit. Ten (10) percent of the park area shall be set aside for recreation and open space requirements. No portion of the 6,000 square foot plot for each dwelling unit shall count toward the ten percent open space requirement.

2. Development Requirements Site Plan

All mobile home parks developed in Martin shall meet certain development requirements. A site plan drawn by a licensed surveyor or engineer bearing a certificate that the final plan as shown is true and correct and shows the development requirements will be met and will be submitted to the Planning Commission. This site plan shall include the following information:

(a) Exterior Yards

Mobile homes shall be situated in land adjacent to the boundaries of the mobile home park as set forth below.

(1) Street Frontage Setbacks

Mobile homes in mobile home parks will be setback a minimum of 50 feet from any public street.

(2) Side and Rear Yard Setbacks

Mobile homes will setback a minimum of 30 feet from the side and rear boundary.

(b) Mobile Home Park Screening

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

(c) Mobile Home Plot

The site plan will show that there is a plot for each mobile home with a minimum size of 6,000 square feet and that each plot shall front on a street which is part of the mobile home park street system.

(1) Front Yards Setback for individual mobile home plots shall be a minimum of twenty-five (25) feet.

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

(3) Rear Yards Setback for individual mobile home plots shall be a minimum of fifteen (15) feet.

(4) Location of Mobile Homes on Plot

- a. All mobile homes permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing and each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103. Each concrete pad shall be a minimum of 10 feet wide.
- b. All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall be underskirted to prevent the accumulation of refuse and rodents.

(5) Location of Accessory Buildings - one accessory building not to exceed 150 square feet may be located with each mobile home but shall be located at least 10 feet from the principal building. In addition, the accessory building shall conform to the following standards.

- a. No accessory building shall be utilized for human occupation.
- b. No accessory building shall extend beyond the required front yard or the front line of the principal building.
- c. No accessory building shall extend into the required side yard.
- d. Accessory buildings may extend into the rear yard, but shall be located a distance from the rear property line equal to the height of the structure.
- e. No accessory building shall exceed twenty (20) feet in height.

(d) Street System

- (1) The internal street system shall consist of paved streets with a paved surface a minimum of 24 feet wide measured from the edge of the paved surface to the edge of the paved surface.
- (2) The construction for the streets within the mobile home park shall conform to the construction standard as set forth in Article IV of the Martin Subdivision Regulations.

(e) Manufactured residential dwellings as defined in Article 9 and subject to the provisions of Article 3, Section 1 of this Ordinance.

(f) Water lines shall be a minimum six (6) inch main looped for adequate water pressure for fire protection with fire hydrants every five hundred feet and shall be approved by the city engineer.

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

(h) Paved Parking - all mobile home plots shall provide a minimum of 400 square feet of paved parking area.

(i) Drainage Plan - shall be prepared by a licensed engineer and approved by the City Engineer.

3. Regulations for Establishment of Mobile Home Parks

(a) Planning Commission Approval of Site Plan

(1) The applicant desiring to establish a mobile home park will submit a site plan of the proposed development to the Planning Commission.

(b) Planning Commission Review

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

(2) The Planning Commission shall meet and act upon any application within thirty-five (35) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied, the Planning Commission shall state the reasons for such action in writing and they shall be entered in the official records of the Planning Commission.

(c) Licenses and License Fees

(1) No mobile home may be located in the City of Martin unless the same shall be in an approved and duly licensed mobile home park.

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

(3) Licenses shall not be transferred by sale except as provided in 5. Non-conforming Mobile Home Parks of this Article.

(4) The annual license fee for each mobile home park shall be established by the Board of Mayor and Aldermen of the City of Martin.

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

(d) Application for License

Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

(1) The name and address of the applicant.

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

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

- (4) Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The Building Inspector and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, shall issue the license.

(e) Revocation of License

The Building Inspector shall make periodic inspection of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Health Officer and/or Building Inspector shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the Health Officer and Building Inspector shall have the authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

4. Register of Mobile Homes

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

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

5. Non-conforming Mobile Home Parks

All additions or improvements to an existing non conforming mobile home park shall be in conformance with these regulations. However, for the purpose of these regulations, existing mobile home park developments prior to the adoption of this Ordinance shall not be required to become conforming for any reason.

Section G. U (University) Districts

1. Intent of University Districts

This district is intended to be reserved for those uses associated with the operation of the University of Tennessee in Martin, Tennessee; therefore, assuring the grouping of university related uses to provide for a harmonious, efficient, and convenient educational center.

2. Uses Permitted

- a. Educational services - limited to:
 - (1) Nurseries, education primary and secondary
 - (2) Universities, colleges and junior colleges
- b. Public assembly - limited to:
Stadiums, arenas and field houses
- c. Group quarters - limited to:
 - (1) Fraternity and sorority houses
 - (2) College dormitories
- d. Other residential, NEC* - limited to:
Single or married student housing owned and operated by the university
- e. Public / semi-public uses, including but not limited to municipal, state, or federal uses such as schools, museums, office buildings, churches and utilities
- f. Accessory buildings normally customarily incidental to the permitted use
- g. Signs as permitted in Article IX
- h. Communication Towers as regulated in Article III, Section O.

3. Uses Permitted on Appeal -None

4. Uses Prohibited

Any use not specifically permitted or permitted on appeal.

5. Regulations Controlling Lot Area, Lot Width, Yards and Building Coverage and Building Height

- (a) Minimum required lot area
 - All Uses 20,000 square feet
- (b) Minimum required lot width at building line.
 - All Uses 75 feet
- (c) Minimum required front yard
 - All Uses 25 feet
- (d) Minimum required rear yard.
 - All uses 25 feet
- (e) Minimum required side yard on each side of lot
 - (1) All Uses 10 feet
 - (2) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

(f) Maximum permitted height of structures.

(1) No building shall exceed four (4) stories or fifty-six (56) feet in height unless each side yard is increased by five (5) feet over the required minimum for every five (5) feet, or fraction thereof, of additional height over fifty-six (56) feet, not to exceed a maximum building height of seventy (70) feet.

(2) On a lot less than fifty (50) feet in width at the building line no building shall exceed twenty-five (25) feet in height.

(3) No accessory building shall exceed twenty-five (25) stories in height.

(4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

(g) Maximum building coverage (total for all buildings):

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

6. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article III, Sections H of this ordinance.

7. Location of Accessory Buildings

Accessory buildings shall conform to the following standards;

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

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

c. No accessory building may extend into the required rear yard.

8. Exterior Storage

Exterior Storage of goods or materials of any kind is permitted in the rear and side yards only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal sites shall be located to allow for ease of accessibility and shall be appropriately screened and maintained using the same material from which the principal use was constructed.

9. Maximum Number of Principal Buildings

All uses - None

10. Landscaping

The first five (5) feet of any required yard adjacent to a street and the first seven (7) feet of any required yard adjacent to residential district shall be devoted to landscaping.

11. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

ARTICLE VII PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Section A. M-1 (Light Industrial) District

Within the M-1 (Light Industrial) Districts as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

a. Wholesale trade - limited to:

- (1) Motor vehicles and automotive equipment, excluding used auto parts, salvage yards and junk yards
- (2) Drugs, chemicals and allied products
- (3) Dry goods and apparel
- (4) Groceries and related products
- (5) Farm products (raw materials), excluding livestock, horses and mules
- (6) Electrical goods
- (7) Hardware, plumbing and heating equipment and supplies
- (8) Machinery, equipment, and supplies
- (9) Other wholesale trade, NEC* - limited to:
 - (a) Tobacco and tobacco products
 - (b) Beer, wine and distilled alcoholic beverages
 - (c) Paper and paper products
 - (d) Furniture and home furnishings
 - (e) Lumber and construction materials
 - (f) Other wholesale trade, NEC* excluding scrap and waste materials

b. Retail trade - limited to:

Eating and drinking

c. Business services - limited to:

- (1) Dwelling and other building services
- (2) Warehousing and storage services

d. Repair services

e. Professional services - limited to:

- (1) Medical laboratory services
- (2) Dental laboratory services
- (3) Other medical and health services

f. Contract construction services

g. Governmental services

h. Manufacturing - limited to:

(1) Apparel and other finished products made from fabrics, leather and similar materials excluding:

(a) Leather tanning and finishing

(2) Furniture and fixtures

(3) Printing, publishing and allied industries

(4) Rubber and miscellaneous plastic products

(5) Fabricated metal products

(6) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks

(7) Miscellaneous manufacturing, NEC*

i. Motor Vehicle Transportation

j. Communication

k. Utilities

l. Other transportation, communication and utilities, NEC*

m. Federal state and municipal uses

n. Research laboratories

o. Accessory uses customarily incidental to any permitted use

p. Signs as permitted in Article IX

q. Communication Towers as regulated in Article III, Section O.

* NEC - Not Elsewhere Coded

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted or permitted on appeal.

4. Regulations Controlling Lot Area, Lot Width, Yards, Building Height and Building Coverage

a. Minimum required lot area

All Uses

No minimum requirement provided all yard, density and parking requirements can be met

b. Minimum required lot width at building line

All Uses

No minimum requirement provided all yard, density and parking can be met

c. Minimum required front yard

All Uses

Thirty-five (35) feet

d. Minimum required rear yard

All Uses

Twenty-five (25) feet unless the yard fronts upon a railroad siding and in that instance no yard shall be required

- e. Minimum required side yard on each side of the lot

All Uses

Twenty-five (25) feet unless the yard fronts upon a railroad siding and in that instance no yard shall be required

- f. Maximum permitted height of structures

(1) No building shall exceed four (4) stories or forty (40) feet in height.

(2) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

(3) Antennas and similar structures can exceed the above height restriction provided the following requirements are met:

(a) That all guy anchors meet the setback requirements from all property lines.

(b) The tower base shall be setback by a distance of fifty percent (50%) of the tower height or the distance between the tower base and guy anchors whichever is greater.

(c) That the structure not be located any closer to a residential district than a distance equal to the structures height plus ten (10) feet from any residential district property line.

- g. Maximum building coverage (total for all buildings)

All Uses

None provided all yard, density and parking requirements can be met.

5. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article III, Sections H of this ordinance.

6. Location of Accessory Buildings

Accessory buildings shall conform to the following standards;

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

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

c. No accessory building shall extend into the required rear yard.

7. Exterior Storage

Exterior Storage of goods or materials of any kind shall be permitted in the rear yards only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only, and such facilities

shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings

All Uses

None provided all yard, density and parking requirements can be met.

9. Landscaping

The first twenty (20) feet of any required yard adjacent to a street and the first twenty-five (25) feet of any required yard adjacent to a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

Section B. M-2 (Heavy Industrial) District

Within the M-2 (Heavy Industrial) Districts as shown on the Zoning Map of Martin, Tennessee, the following regulations shall apply:

1. Uses Permitted

- a. Wholesale Trade - limited to:
 - (1) Farm products (raw materials), excluding livestock, horses and mules
 - (2) Machinery, equipment and supplies
 - (3) Other wholesale trade, NEC* including only:
 - (a) Metals and minerals, excluding petroleum products and scrap
 - (b) Petroleum bulk stations and terminals
 - (c) Tobacco and tobacco products
 - (d) Lumber and construction materials
- b. Retail trade - limited to:
Eating and drinking
- c. Business services - limited to:
 - (1) Warehousing and storage services, excluding stockyards
 - (2) Repair services
 - (3) Contract construction services
 - (4) Governmental services
- d. Manufacturing - limited to:
 - (1) Food and kindred products
 - (2) Textile mill products
 - (3) Apparel and other finished products made from fabrics, leather and similar materials excluding:
 - (a) Leather tanning and finishing
 - (4) Lumber and wood products
 - (5) Furniture and fixtures
 - (6) Paper and allied products, including only:
 - (a) Converted paper and paperboard products (except containers and boxes)
 - (b) Paperboard containers and boxes
 - (c) Building paper and board manufacturing
 - (7) Printing, publishing and allied industries
 - (8) Chemicals and allied products, including only:
 - (a) Drug
 - (b) Soap, detergents and cleaning preparations, perfume, cosmetics and other toilet preparations

- (c) Paints, varnishes, lacquers, enamels, and allied products
- (9) Rubber and miscellaneous plastic products
- (10) Stone, clay and glass products
- (11) Primary metal products including only the rolling, drawing and extruding of non-ferrous metals
- (12) Fabricated metal products
- (13) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks
- (14) Miscellaneous manufacturing, NEC*
- e. Motor vehicle transportation
- f. Communication
- g. Utilities
- h. Other transportation, communications and utilities, NEC*
- i. Federal state and municipal uses.
- j. Research laboratories
- k. Accessory buildings customarily incidental to the permitted use
- l. Signs as permitted in Article IX
- m. Communication Towers as regulated in Article III, Section O.
- n. Sexually oriented business as defined by this Ordinance, provided that the following apply.
 - (1) Sexually oriented business may not be operated within:
 - a. 1,000 feet of the property boundary of a church, synagogue or regular place of religious worship;
 - b. 1,000 feet of the property boundary of a public or private elementary or secondary school;
 - c. 1,000 feet of a boundary of any residential district;
 - d. 1,000 feet of a public park;
 - e. 1,000 feet of a licensed day-care center; or
 - f. 1,000 feet of an entertainment business that is oriented primarily toward children or family entertainment;
 - (2) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school or to

the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center, or child or family entertainment business.

- (3) For purpose of subsection (b) of this section, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located
- (4) It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- (5) It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent permitted by provisions of this ordinance.
- (6) A violation of any provision of this Section shall constitute a Class c misdemeanor.
- (7) Notwithstanding any other City ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and on (1) secondary sign, as provided herein.
- (8) Primary signs shall contain no sexually explicit photographs, silhouettes, drawings or pictorial representatives in any manner, and may contain only the name of the enterprise.

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted or permitted on appeal.

4. Regulations Controlling Lot Area, Lot Width, Yards, Building Height and Building Coverage

a. Minimum required lot area

All Uses

No minimum requirement provided all yard, density and parking requirements can be met

b. Minimum required lot width at building line

All Uses

No minimum requirement provided all yard, density and parking requirements can be met

c. Minimum required front yard

All Uses

Thirty-five (35) feet

d. Minimum required rear yard

All Uses

Twenty-five (25) feet unless the yard fronts upon a railroad siding and in

that instance no yard shall be required

- e. Minimum required side yard on each side of the lot
All Uses

Twenty-five (25) feet unless the yard fronts upon a railroad siding and in that instance no yard shall be required

- f. Maximum permitted height of structures

- (1) No building shall exceed five (5) stories or fifty (50) feet in height.

- (2) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

- (3) Antennas and similar structures can exceed the above height restriction provided the following requirements are met:

- (a) That all guy anchors meet the setback requirements from all property lines.

- (b) The tower base shall be setback by a distance of fifty percent (50%) of the tower height or the distance between the tower base and guy anchors whichever is greater.

- (c) That the structure not be located any closer to a residential district than a distance equal to the structures height plus ten (10) feet from any residential district property line.

- g. Maximum building coverage (total for all buildings)

All Uses

None provided all yard, density and parking requirements can be met

5. Off Street Parking, Access Control, Loading and Unloading Requirements

As required in Article III, Sections H of this ordinance.

6. Location of Accessory Buildings

Accessory buildings shall conform to the following standards;

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

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

- c. No accessory building shall extend into the required rear yard.

7. Exterior Storage

Exterior Storage of goods or materials of any kind shall be permitted in the rear yard only and shall be enclosed by a fencing material that reduces visibility of the interior. The placement of waste disposal facilities is permitted in the rear yard only and such facilities shall be appropriately screened and maintained using the same material from which the principal use was constructed.

8. Maximum Number of Principal Buildings
All Uses

None provided all yard, density and parking requirements can be met.

9. Landscaping

The first twenty (20) feet of any required yard adjacent to a street and the first twenty-five (25) feet of any required yard adjacent to a residential district shall be devoted to landscaping.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required for all permitted uses and uses permitted on appeal in accordance with Article III, Section N. of this ordinance. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

ARTICLE VIII PROVISIONS GOVERNING AREAS OF SPECIAL USE

Section A. F-FLOOD DISTRICT

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

A. Statutory Authorization

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

B. Findings of Fact

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

C. Statement of Purpose

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

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

D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;

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

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 the most reasonable application given its stated purpose and objectives.

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

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

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

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

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one 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" 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.

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

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

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

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

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

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

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

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

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

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

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

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

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

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

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

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

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

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

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

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

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

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

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

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

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is 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 after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, 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 Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

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

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

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

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

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

III. GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Martin, Tennessee (Community #470202), Federal Emergency Management Agency, Flood Insurance Study (FIS) 47183CV00A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47183C0182D, 47183C0184D, 47183C0201D, 47183C0202D, 47183C0203D, 47183C0204D and 47183C0210D, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and,
3. deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

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

IV. ADMINISTRATION

A. Designation of Ordinance Administrator

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

B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in IV. B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

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

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

C. Duties and Responsibilities of the Administrator

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

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

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

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

V. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

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

B. Specific Standards

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

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

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet

above the highest adjacent grade (lowest floor and highest adjacent grade being defined in II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in IV. B.

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

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

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

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

- 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of V. B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or

subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

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

5. Standards for Subdivisions

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

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

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

Located within the Areas of Special Flood Hazard established in III. B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to

allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

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

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

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

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

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

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

1. When base flood elevation data or floodway data have not been provided in accordance with III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of V, B, and "Elevated Buildings".

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

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

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

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in III are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of IV. And V. A. shall apply.

H. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with IV.

VI. VARIANCE PROCEDURES

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

A. Board of Zoning Appeals

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

B. Conditions for Variances

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

VII. LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

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

B. Validity

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

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Martin, Tennessee, and the public welfare demanding it.

Section 2. This Ordinance shall take effect from and after its passage, the health safety and welfare of the City requiring it.

Recommended by the Martin Municipal Planning Commission on August 25, 2008

1st Reading	September 8, 2008
Public Hearing	October 13, 2008
2nd Reading	October 13, 2008
Passed	October 13, 2008

Signed Randy Brundige, Mayor of Martin, Tennessee Attest: Chris Mathis, City Recorder
Martin Tennessee

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SECTION B. HD (Historic) District

Within the areas designated HD (Historic) District on the official zoning map of Martin, Tennessee, the following regulations shall apply:

1. Intent of Historic Districts

It is the intent of this district to protect and preserve historic and/or architectural value; create aesthetic atmosphere; strengthen the economy; protect and enhance the city's attraction to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote the education and patriotic heritage of the present and future citizens of the community. In order to achieve this intent a quality of significance to American history, architecture, archaeology and culture shall be present in the sites, buildings and structures of Historic Districts that:

- (a) are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) are associated with the lives of persons significant in our past; or
- (c) embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) have yielded, or may be likely to yield, archaeological information.

2. Uses Permitted

The uses permitted and the area regulations of the existing district in which the site, structure or area is located shall govern.

3. How Zoning Map Amended to Designate Historical Districts

Any amendments to the zoning map of the City of Martin designating historic districts shall be subject to the provisions of Article XIII of the Martin Zoning Ordinance.

4. Administration

- (a) No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-D District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical Zoning Commission.
- (b) Administration shall be by the office of the Building Inspector and the Historic Zoning Commission and all items regulated within the H-D District shall be submitted to the Historic Zoning Commission (through the office of the Building Inspector) for its review.
- (c) Within 90 days of designation of a Historic District, the Historic Zoning Commission shall prepare and submit to the Martin City Board design review guidelines which shall be used by the Historic Zoning Commission in the consideration of any application for certificate of appropriateness applied for under this Ordinance. No application may be considered by the Historic Zoning Commission until such time as said guidelines have received the approval of the City Board.

(d) Building Permit Procedures

All alterations, additions or new construction which, previous to the establishment of this H-D District, required that application be made for a Building Permit shall continue to require that application be made for a Building Permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

- (1) Applications for building permits within the District shall be made to the Office of the Building Inspector and all such applications shall be referred directly to the Historic Zoning Commission. The Historic Zoning Commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.
- (2) Upon receiving an application for a Building Permit the Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the building Inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
- (3) The office of the Building Inspector shall additionally review applications for Building Permits (which have received written approval from the Historic Zoning Commission) in the same manner review is made of Building permit applications outside of the District and final issuance or rejection shall additionally be based upon the adopted Building Codes of the City of Martin. The fee charged for building permits within the District shall conform to existing fee schedules for Building permits in any other zoning district within the City of Martin.

5. Historic Zoning Commission

(a) Creation and Appointment

In accordance with Tennessee Code Annotated 13-716, a Historic Zoning Commission is hereby established. The Mayor and City Board shall create a nine (9) member Historic Zoning Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the Planning Commission, at the time of his appointment; and the remaining members shall be appointed from the community in general. Historic Zoning Commission member shall be appointed by the Mayor, subject to confirmation by the Martin City Board. Appointments to membership on the Historic Zoning Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. The members of the Commission shall elect a Chairman yearly from among themselves to preside over meetings.

(b) Procedure

Meetings of the Historic Zoning Commission shall be held on the third Tuesday of each month or at the call of the Chairman or the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any hearing which is called under the provisions of this Ordinance, by publication in an official newspaper or a newspaper of general circulation

at least three (3) days immediately prior thereto. At least five (5) members of the Commission constitute a quorum for the transaction of its business. The concurring vote of five (5) members of the Commission will determine any matter before it. The Commission shall keep minutes upon each question and those members that are absent or failing to vote, indicating such fact.

(c) Powers and Duties

The Historic Zoning Commission shall have the following powers:

- (1) To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.
- (2) The Historic Zoning Commission shall within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.
- (3) Upon review of the application for a building permit, the Historic Zoning Commission shall give prime consideration to:
 - (a) historic and/or architectural value of present structure;
 - (b) the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
 - (c) the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
 - (d) to any other factor, including aesthetic, which is deemed pertinent.
- (4) Additional powers and duties.
 - (a) It shall be the duty of the Historic Zoning Commission to make the following determination with respect to the historic district approved guidelines. Any approved changes by the Commission shall be published in the local newspaper within seven (7) days.
 - (i) Appropriateness of altering or demolishing any building or structure within the Historic District. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant.
 - (ii) Appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the Historic District.
 - (iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
 - (iv) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.

(v) The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Historic Zoning Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extension incongruous to the historic aspects of the surroundings.

(b) Right of Entry Upon Land

The Commission, its member 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, but there shall be no right of entry into any building without the consent of the owner.

(c) Liability of Historic Zoning Commission Members

Any Historic Zoning Commission member acting within the powers granted by the ordinance is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.

(d) Jurisdiction

The Historic Zoning Commission shall have the exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory criteria as provided for in the Tennessee Code Annotated, Sections 27-902 and 27-930.

(e) Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

6. Maintenance and Repair of Improvements

Every person in charge of an improvement in a history district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.

7. Remedying of Dangerous Conditions

In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this Ordinance, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order to direction which affects of may affect the exterior appearance of any

structure, or site, on or in the environs of a historic district. The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

8. Injunctive Powers and Penalties

- (a) Where it appears that the owner or person in charge of an improvement of a landmark site or preservation site threatens or is about to do or is doing any work in violation of the ordinance, the City Attorney for the City of Martin shall, when directed by the Mayor or City Board, forthwith apply to an appropriate court for an injunction against such violation of this Ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
- (b) A violation of this Ordinance is punishable by a fine of not less than two dollars (2.00) and not exceeding fifty dollars (\$50.00). Every day of violation may be held to constitute a separate offense.

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SECTION C. PD Planned Development Overlay Zone^{vi}

1 INTENT AND GENERAL PROVISIONS - The intent of the following is to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded to other districts in this chapter. Additionally, the intent is to provide design freedom in order to create a better living environment by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site. To accomplish this, reductions of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses may be permitted. It is also the intent that property under this section be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this section if such increases can be substantiated on the basis that the superior design making greater densities possible with no material adverse effects.

2 OBJECTIVES AND SIZE REQUIREMENTS

a) **Objectives** –The Board of Mayor and Aldermen may, upon proper application, permit a Planned Development (PD) to facilitate the use of flexible techniques of land development and site design by providing greater flexibility in site design requirements. In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that:

- 1) Preserve environmental resources;
- 2) Provide exceptional open space amenities;
- 3) Incorporate creative design in the layout of buildings, open space and circulation;
- 4) Assure compatibility with surrounding land uses and neighborhood character;
- 5) Provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure; and,
- 6) Facilitate a development pattern more in harmony with the City of Martin Growth Policies or Land Use Plan.

b) **Minimum Size Requirements** The minimum required site acreage for a Planned Development district shall be 5 acres for single purpose planned developments and 20 acres for mixed use planned developments, unless the Board of Mayor and Aldermen find that one or more of the following conditions exist:

- 1) That an unusual physical or topographic feature of importance to the area as a whole exists on the site or in the surrounding area that will contribute to and be protected by the planned development;
- 2) That the property or the surrounding area has a historic character of importance to the community that will be protected by the planned development;
- 3) That the proposed planned development is adjacent to a previously approved planned development and will contribute to the amenities and values of the neighboring planned development;
- 4) That the planned development is located in an area being redeveloped and will implement the policies of an adopted plan, including, but not limited to the Land Use Plan, a specific area plan, or redevelopment plan; or,
- 5) That due to additional screening, buffering, transitional uses or other design features, the proposed planned development would provide better protection to existing or proposed uses of surrounding property than would otherwise be provided by a conventional development.

3 RELATION BETWEEN PLANNED DEVELOPMENTS AND ZONING DISTRICTS

- a) Districts permitted and planned developments in the Historic District (HD) -** Planned developments shall be permitted in all districts. However, within the City's Historic District (HD), planned developments shall be subject to review by the Martin Historic Zoning Commission with regard to the aesthetic and architectural appropriateness and compatibility of all proposed structures.

Martin's Historic Zoning Commission approval shall be required prior to the issuance of any building permit. For any portion of a planned development located within the Historic District, the Historic Zoning Commission shall review the proposed planned development Outline Plan and provide a recommendation to the Board of Mayor of Aldermen. This recommendation shall be in addition to the Planning Commission's review and recommendation.

The Historic Zoning Commission's recommendation to the Board of Mayor and Alderman shall include, but not limited to, new construction, alterations, or demolition in accordance with Article VIII Section B of the City of Martin's Zoning Ordinance. The Historic Zoning Commission's review capacity shall be in accordance with the Article VIII Section B.

- b) Modification of district regulations -** Planned developments may be constructed in any zoning district subject to the standards and procedures set forth below:

- 1) Except as expressly modified by the Board of Mayor and Aldermen by approval of an Outline Plan, a planned development shall be governed by the regulations of the zoning district or districts in which the planned development is located;
- 2) Outline Plan approval for the planned development may provide for such exceptions from the zoning district regulations governing use, area, setback, loading, width and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; provided, however, no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:
 - i Inadequate or unsafe access to the planned development;
 - ii An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
 - iii An undue detrimental effect upon surrounding properties;
 - iv A development which will be incompatible with the purposes of this subchapter, design guidelines, and other applicable regulations and guidelines.
- 3 Such exceptions shall supersede any conflicting subdivision regulations and zoning district restrictions in which the planned development is located; provided, however, in no case shall the uses or densities be varied, except as herein provided. All setbacks abutting private properties along the planned development shall not be less than those allowed in the zoning district in which the planned development is located unless specifically provided for in the planned development conditions. In the absence of an express condition of the planned development, the applicable ordinances and regulations of the City of Martin will apply.

4 COORDINATION WITH SUBDIVISION REGULATIONS

- a)- **Intent** - It is the intent of this subchapter that subdivision review and approval under the subdivision regulations be carried out simultaneously with the review of a planned development under this section of the Zoning Ordinance.
- b) The uniqueness of each proposal for a planned development requires that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications to such specifications may be approved only after review by the Martin Planning Commission and approval of the Board of Mayor and Aldermen.
- c) The development plans for planned developments must be submitted in a manner consistent with the requirements of the subdivision regulations.
- d) The requirements for both this section of this chapter and those of the subdivision regulations shall apply to all planned developments and all actions of the Board of Mayor and Aldermen pertaining to planned developments shall be based upon a recommendation by the Planning Commission.

5 GENERAL STANDARDS AND CRITERIA - The Board of Mayor and Aldermen shall initially approve a PD by approving an Outline Plan upon written findings and recommendations by the Planning Commission which shall be forwarded to the Board of Mayor and Aldermen pursuant to the provisions contained in this section.

- a) **General Review Criteria for Planned Developments** - The following General Review Criteria shall be utilized in evaluating requests and establishing conditions for a planned development:
 - 1) **Consistency with Plan** The proposed planned development must be in agreement with the adopted Growth Policies or Land Use Plan and any plan adopted by the City of Martin (subject to subsection (2) below);
 - 2) **Exceptions Due to Substantially Changed or Changing Conditions** If not in conformance with adopted policies or plan, the proposed planned development shall be necessary because of substantially changed or changing conditions in the area or surrounding properties;
 - 3) **Physical Characteristics of the Site; Relation to Surrounding Property** The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, flood hazard, destruction of wetlands or other dangers. Conditions of soil, drainage, and topography shall all be appropriate to both type and pattern of use intended.
 - 4) **Relation to Public Utilities, Facilities and Services** A planned development shall be so located in relation to transportation systems, sanitary sewers, emergency services, public safety, water lines, storm and surface drainage systems, and other utilities systems and installations that services can reasonably be expected to be available at the time of development and such services are adequate to serve the proposed development.
 - 5) **Access to Major Transportation Facilities** A planned development, where appropriate because of the size or intensity of the proposed development, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along local streets in residential neighborhoods outside the development.

- 6) **Compatibility** Any planned development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as land use, traffic, noise, or lights. Project control shall be accomplished through buffering, architectural design, architectural compatibility, site design, height limitations, land use restrictions, and density or intensity limitations.

The design of any planned development should reflect an effort by the developer to plan land uses within the planned development so as to blend harmoniously with adjacent land uses.

- 7) **Transitions** Planned Development districts shall be responsive to the character of surrounding properties and the existing neighborhood area. When located in an area where land use types and/or intensities or densities vary, the planned development shall be designed in such a manner as to provide for gradual changes in intensity and/or density.
 - 8) **Relationship to Adjacent Property** The planned development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or proposed uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.
 - 9) **Natural and Historic Features, Conservation and Preservation Areas** Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.
 - 10) **Density/Intensity** Density and/or intensity shall not exceed maximums established in Table 1. The planned development densities/intensities shall be established after consideration of the Land Use Plan criteria and limits, neighborhood compatibility, transitions, and site design.
 - 11) **Height** In a planned development, height shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.
 - 12) **Fences and Screening** Fences or Vegetative Screening at the periphery of a planned development shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of surrounding areas from similar adverse influences. When adjacent development is of either similar use or intensity, such screening is not required.
- b) **Responsible Party** - Homeowner associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless accepted to be conveyed to the City of Martin.

6 ADDITIONAL PROVISIONS

- a) **Application for planned development required** - Each application for a planned development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Deviations to the requirements may be granted upon review and recommendation of the Planning Commission and approval by the Mayor and Board.
- b) **Waiver of Board of Zoning Appeals Action** - No action of the Board of Zoning Appeals shall be required in the approval of a PD (Planned Development).
- c) **Ownership and Division of Land** - No tract of land may be considered for or approved as a planned development unless such tract is under the single ownership of a landowner.

For the purpose of this subchapter, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PD application for the property or any governmental agency shall be considered landowners for the purpose of this section. Unless otherwise provided as a condition of approval of the PD, the landowner of an adopted PD may divide and transfer parts of such development. The Outline Plan shall control the development of any part of a PD that is subdivided, sold, or leased. No development may be undertaken in any part of a PD that is subdivided, sold, or leased that will violate the Outline Plan for the PD.

d) Professional Design

- 1) The Martin Planning Commission shall not consider any development plan for any proposed planned development, nor shall the Martin Board of Mayor and Aldermen approve any Outline Plan for a proposed planned development unless such proposed plan included a certification that the services of one or more design professionals were utilized in the preparation of the Outline Plan in addition to a licensed civil engineer.
- 2) A final site plan or subdivision plat shall be certified by a licensed professional civil engineer, architect or surveyor.

e) Phasing, Inactive Planned Developments, and Time Extensions - The expeditious construction of any planned development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved Outline Plan and subsequent approved plans.

- 1) Phasing of development. The Board of Mayor and Aldermen may elect to permit the development of the planned development in phases, in which case, the following provisions shall be complied with:
 - i Any phasing of a planned development shall be approved during the planned development review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the planned development as proposed and approved.
 - ii Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.
 - iii The commencement of actual construction of any phase stage of the planned development shall be governed by the provisions of this chapter.
- 2) Inactive Planned Developments
 - i If a preliminary subdivision plat or preliminary site plan has not been acted upon by the Planning Commission within one (1) year of the approval, by resolution, of the Outline Plan by the Board of Mayor and Aldermen;
 - ii If a final subdivision plat or final site plan has not been acted upon by the Planning Commission within one (1) year of the approval of the Planning Commission’s approval of a preliminary subdivision plat or preliminary site plan;
 - iii If a development contract is not approved and executed within three (3) years following final subdivision plat or final site plan approval; or,

- iv) At any time the planned development or any phase of the planned development has not been developed according to a schedule.

The Planning Commission shall give notice by certified mail to the owner and applicant who requested the planned development and shall schedule a meeting to take any of the following actions:

- i) Recommend extending, removing, or modifying the schedule for development
- ii) Recommend amendments to the Outline Plan
- iii) Recommend revocation of the Planned Development and/or
- iv) Recommend rezoning of the property to its former zoning classification

After receiving the Planning Commission's recommendation(s), the Board of Mayor and Aldermen shall schedule a meeting with the developer and render a decision.

- 3) Time Extension for Outline Plans - The owner and applicant who requested the planned development may request an extension of the Outline Plan in one year increments. Approval of any time extension is at the discretion of the Planning Commission, however, the total time extension shall not exceed two years without re-approval being granted by the Board of Mayor and Aldermen. When considering approval of a time extension, the Planning Commission may recommend the Outline Plan be modified to comply with regulations adopted since the planned development was approved and/or to address changes to surrounding properties since the planned development was approved.

f) Common Open Space and Public Facilities - The requirements of common open space and public facilities shall be in accordance with the provisions of this section.

- 1) Common open space must be usable for recreational purpose or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography and the number and type of structures to be provided.
- 2) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
- 3) The development phasing sequence which is part of the Outline Plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- 4) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the City of Martin's Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the

ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.

- 5) All land shown on a plan as common open space may be either:
- i) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or,
 - ii) Conveyed to an organization for ownership and maintenance subject to the following:
 - i) The Martin Planning Commission and the Martin Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City of Martin and the dedication be approved by the Board of Mayor and Aldermen;
 - ii) In the event that the organization established to own and maintain common open space or any successor organization shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final subdivision plat or final site plan (if required), the City may serve written notice upon such organization and/or the owners or residents of the planned development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the City shall call upon all the owners of property within the PD to maintain the common open space, and, in default thereof, the City may maintain same;
 - iii) The cost of such maintenance by the City shall be assessed severally and proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on the properties;
 - iv) If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision plan or preliminary final site plan approval (if applicable). The City Attorney will review the documentation as to form prior to Planning Commission approval. The provisions shall include, but not be limited to the following:
 - (a) The Association must be set up before the properties are sold;
 - (b) Membership must be mandatory for each buyer and any successive buyer;
 - (c) The open space restrictions must be permanent, not just for a period of years;
 - (d) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities; and,
 - (e) Homeowners/property owners must pay their prorated share of the cost of the assessment levied by the association to meet changed needs.

- 6) The Martin Planning Commission and the Martin Board of Mayor and Aldermen may, as a condition of approval, require that suitable areas for streets, public rights-of-way, schools, parks/public areas be set aside, improved and/or dedicated for public use.
- g) Security Requirements for Improvements** - Adequate security shall be furnished and filed with the City of Martin for private and public improvements in accordance with the applicable provisions of the Subdivision Regulations and Zoning Ordinance. The security shall ensure completion of all improvements, including, but not limited to public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting and screening, as recommended by the City Engineer.
- h) Development Contract** - After a final subdivision plat or final site plan (if required) is approved by the Board of Mayor and Aldermen, the developer, and owner, if different from the developer, must enter into a development contract with the City of Martin Board of Mayor and Aldermen relative to all required improvements.
- i) Relation to Utilities, Public Facilities** - The planned development shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. The planned development shall be so located with respect to schools, parks, playgrounds and other public facilities required in the same degree as would development in a form generally permitted in the area.
- j) Relation to Major Transportation Facilities** - The planned development shall be located with respect to major streets and highways or other transportation facilities as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside such districts.
- k) Vehicular Movement and Standards** - The street design of any PD should include a clearly defined hierarchical street system. Streets, drives, parking and service areas must provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts. In general, tract sizes shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.
- 1) Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.
 - 2) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PDs shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
 - 3) The methods for designing and constructing private streets are flexible. Construction plans must be approved by the City Engineer. If no agreement between the developer and the City Engineer can be reached, then private streets must be designed and built according to the City of Martin's Subdivision Regulations.

l) Site Planning

- 1) Site planning within any PD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental consideration.
- 2) All reports and plans shall be submitted to the City Engineer for review and approval and shall be made a part of the final site plan.
- 3) Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space, inside and outside buildings to intended uses and structural features.

n) Signs - Signs permitted in the PD shall be as permitted by the underlying district and regulated by the City of Martin's Zoning Ordinance - Article IX – Sign Regulations.

o) Accessory off-street parking and loading - Accessory off-street parking and loading in the PD shall be regulated by provisions in the Zoning Ordinance unless otherwise provide in the Outline Plan.

7 SPECIFIC STANDARDS AND CRITERIA FOR RESIDENTIAL PDs - In addition to the general standards and general provisions set forth above, Planned Residential developments shall comply with the following requirements and standards:

a) Permitted Uses - Within the residential planned development, the following uses are permitted subject to review of the Planning Commission and approval of the Board of Mayor and Aldermen.

- 1) Any permitted use, accessory use or conditional use allowed in any residential district.
- 2) In a residential planned development of 5 acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents.
- 3) All such commercial areas shall meet the following additional requirements:
 - a) Access from public streets shall be from an arterial or collector status street as shown on the most recent Major Road Plan;
 - b) The building design shall be compatible with the remainder of the residential planned development;
 - c) No outside storage shall be permitted unless specifically authorized in the conditions of approval, and trash disposal facilities shall be completely enclosed by walls or materials that complement the buildings;
 - d) Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of 15 feet wide which shall not be used for parking and with only driveways crossing the yard. Permanently landscaped side and rear yards of appropriate width shall also be maintained;
 - e) Unless otherwise provided in the Outline Plan, any loading service area shall be in the rear of the building; and,
 - f) The Planning Commission and/or Board of Mayor and Aldermen may require other landscaping or design features as needed in order to protect any adjoining or neighboring uses.

- b) Residential Densities** - Conceptual lot configurations shall be depicted upon residential Outline Plans. Within any PD, the Planning Commission, subject to approval of the Board of Mayor and Aldermen, may authorize an increase in overall residential density within the project area. The base densities which may be increased are as follows:

Table 1: Densities for PD	
Zone	Density
R-1	3.5 units per acre
R-1a	5 units (detached) per acre or 6 units (attached) per acre
R-2	7 units per acre
R-3	16 units per acre
R-4	10 units per acre

- 1) An increase in density not to exceed 15% of the base density of the underlying zoning district may be granted for incorporating any combination of the following elements into the planned development:
 - i The establishment of private usable common open space within the planned development/residential development may be given a 1% density incentive for every 2.5% of the total land area of the development that is set aside as usable common open space, but not to exceed a maximum of a 4% density incentive for establishing a 10% of the total land area of the development as usable open space;
 - ii The construction of any combination of two recreation amenities, including, but not limited to, a playground with durable playground equipment comparable to City specifications for public playground equipment, a club house and/or swimming pool and/or tennis courts that are of suitable size and capacity to adequately accommodate the number of residents within the development, but not to exceed a maximum 4% density incentive;
 - iii The preservation of unique physiographic or environmentally sensitive areas such as wetlands and old-growth wooded areas in a perpetual conservation easement or common open space area but not to exceed a maximum 4% density incentive.
- 2) Provisions which have permitted increases in density granted under this section shall be accomplished at such stages during construction of each development phase as expressly required by the Outline Plan or, if there is no expressed requirement, at such stages as the development staff may require. In every development, however, provisions for increases in density shall be 100% accomplished at the time 50% of the dwelling units per development phase are occupied.
- 3) The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:
 - i Inconvenient or unsafe access to the planned development;
 - ii Traffic congestion in the streets within or adjoining the planned development;

- iii An excessive burden on parks, recreation areas, schools, police and fire protection and other public facilities which serve or are proposed to serve the planned development;
 - iv Insufficient public infrastructure to serve the proposed planned development, including, but not limited to, water and sewer systems, streets and traffic signalization and stormwater management systems;
 - v Any condition which might pose a threat to the health, safety or welfare of the residents of the planned development or the general public or frustrate the orderly development of the surrounding area.
- 4) The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not performing as agreed upon in the applicable final site plan.
 - 5) Notwithstanding any provision herein, residential planned developments containing less than ten gross acres of land area shall not be eligible for density increases above the prescribed base density for each residential zoning classification as prescribed in this section.
- c) Accessibility of site** - All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.
- d) Off-street parking** - Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through the use of trees, shrubs, berms and/or hedges and screening walls.
- e) Privacy**
- 1) The residential planned development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the residential planned development.
 - 2) Protection and enhancement of property values and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms, and landscaped barriers.
- f) Yard and bulk requirements** - A residential planned development shall not deviate from the yard and bulk requirements of the base residential zoning classification except as specifically approved by the Board of Mayor and Aldermen. A written justification for any deviation from the minimum yard and bulk requirements contained in the base residential zoning classification shall be presented by the applicant to the Planning Commission and Board of Mayor and Aldermen for consideration.

8 SPECIFIC STANDARDS AND CRITERIA FOR COMMERCIAL OR INDUSTRIAL

PDs - A commercial or industrial planned development may be issued by the Board of Mayor and Aldermen for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and other similar facilities ordinarily accepted as commercial center uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria and the provisions set forth herein, commercial or industrial planned development shall comply with the following standards.

- a) **Residential use** - Except for hotels and motels, no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This provision shall not be applicable in planned development permits approved for mixed uses.
- b) **Display of merchandise** - Unless specifically authorized by an Ordinance of the City, all business manufacturing and processes shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way; provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- c) **Accessibility** - The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

9 MIXED USE PLANNED DEVELOPMENT

- a) Planned developments which do not qualify as a residential planned development and which are not exclusively for commercial or industrial uses shall be subject to all of the applicable provisions.
- b) Nonresidential land uses within the proposed mixed use planned development shall be oriented in such a manner as to provide suitable buffers of residential land use or common open spaces containing sufficient screening and buffering measures as prescribed in this subchapter.

10 PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL - The provisions of this subchapter govern the procedures for approval of all planned developments provided herein.

a) Pre-application procedures:

- 1) **Pre-application meeting required** - At least two months prior to filing any application for a planned development, the prospective applicant shall request a pre-application conference with the Planning Staff (staff planner, building official, public works director, public and the police and fire chief.

- 2) **Planning Staff Comments** - To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the planned development application. It shall be the responsibility of the Building Official to contact the planning staff and arrange a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans are to be considered before submission of the planned development application. Thereafter, the Building Official shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his or her preparing the components of the planned development application.
- 3) **Neighborhood Meeting Required** - A neighborhood meeting is mandatory prior to the submission of applications for Outline Plan approval of a Planned Development.

The purpose of the neighborhood meeting is to educate owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. Neighborhood meetings are encouraged as opportunities for informal communication between owners of nearby lands, applicants, and other residents who may be affected by development proposals.

The neighborhood meeting shall generally comply with the following procedures:

- i **Time and Place** - The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 P.M. on a weekday.
- ii **Notification** - The applicant shall provide notification of the neighborhood meeting a minimum of ten (10) business days in advance of the meeting by mail, to all owners and occupants within five-hundred (500) feet of the land subject to the application, to any neighborhood organization registered with the City of Martin, the Board of Mayor and Aldermen, and the Building Official. The notification shall state the time and place of the meeting.
- iii **Conduct of Meetings** - At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, and respond to concerns neighbors have about the application and proposed ways to resolve conflicts.
- iv **Written Summary of Neighborhood Record of Meeting.** The applicant shall provide to the Building Official (or his or her designee) a written summary of the neighborhood meeting within five (5) business days of its conclusion. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.
- v **Response to Summary** - Any person in attendance at the neighborhood meeting, within ten (10) business days of the meeting, may submit an additional written

summary stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the Neighborhood Record of Meeting. All written summaries of the neighborhood meeting shall be included with the application materials, and be made available for public inspection.

b) Outline Plan - An Outline Plan shall be submitted to the Planning Commission with the application for the planned development within six months of the pre-application conference and neighborhood meeting. An Outline Plan shall contain all items required by this subchapter and shall include those items that the Planning Commission shall specify in rules published from time to time, as well as the following:

1) Written documents.

- i A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- ii A concise statement of planning objectives to be achieved by the PD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- iii A development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and be completed. If the planned development is proposed to be constructed in phases or units during a period extending beyond a single construction season, a development schedule indicating:
 - (i). The approximate date when construction of the project can be expected to begin;
 - (ii). The order in which the phases of the project will be built; and,
 - (iii) The minimum area and the approximate location of common open space and public improvements that will be required at each phase.
- iv Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures (except for single-family detached residential structures); approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount and type of nonresidential construction (including separate figure for commercial or industrial facilities); minimum square footage of heated floor space for residential dwelling units; economic feasibility studies or market analysis where necessary and other studies as required by the Planning Commission.
- v A statement setting forth in detail either:

- (i) Any exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned development; and,
 - (ii) The bulk regulations under which the planned development is proposed.
- vi A tabulation setting forth:
 - (i) Maximum total square feet of building floor area proposed for commercial uses and for industrial uses by general type of use;
 - (ii) Maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial or industrial uses; minimum public and private open space; streets; and off-street parking and loading areas.
- 2) Site plan and supporting maps. A site plan and any maps necessary to show the major details of the proposed PD must contain the following minimum information:
 - i The existing site conditions, including contours at two foot intervals, water courses, flood plains, unique natural features and forest cover;
 - ii Proposed lot lines and plot designs;
 - iii Architectural graphics including typical floor plans and elevations (an exemption from this requirement may be considered for single-family detached residential uses);
 - iv The location and floor area size of all existing buildings, structures and other improvements and proposed non-single family detached residential buildings, structures and other improvements, maximum heights, floor area ratios (for non-residential uses), types of dwelling units (for residential uses), density per type (for residential uses).
 - v The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses;
 - vi The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the final site plan stage.) A detailed traffic impact analysis may be required at the discretion of the City.
 - vii The existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.
 - viii The existing and proposed utility systems, including sanitary sewers, storm sewers, water lines and drainage.

- ix A general landscape plan indicating the treatment of materials used for private and common open spaces.
- x Enough information on land areas adjacent to the proposed PD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape.
- xi The proposed treatment of the perimeter of the PD, including materials and techniques used, such as screens, fences and walls.
- xii Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PD.
- xii The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in subsections (a) through (l) in order to reasonably adapt these requirements to a particular planned development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the development staff prior to final site plan approval.

c) Outline Plan approval process and effect of approval

- 1) At least 45 days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his or her agent shall submit to the Planning Commission the Outline Plan and a completed application form and all other information required under this section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve, disapprove or approve the planned development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.
- 2) Any owner or his or her agent may appeal to the Board of Mayor and Aldermen any recommendation or condition the Planning Commission imposes in the recommendations by filing written notice of appeal at least seven days prior to review by the Board of Mayor and Aldermen. However, the applicant shall submit an Outline Plan incorporating any and all conditions not appealed to the Planning Staff within 90 days after the Planning Commission's decision on the requested planned development or the application shall be deemed withdrawn.
- 3) The Planning Staff shall forward the recommendation of the Planning Commission and any notices of appeal to the Board of Mayor and Aldermen.
- 4) The Board of Mayor and Aldermen shall hold a public hearing on the application for the planned development and the Outline Plan after receipt of recommendations from the Planning Staff and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall cause notice thereof to be published in accordance with law at least 15 days prior to the hearing and shall mail written notice to owners of property within 500 feet of the subject project. The Board of Mayor and Aldermen shall render a decision on any appeal and shall approve, disapprove or

approve the proposed planned development and Outline Plan subject to conditions and, if approved, shall set forth the conditions imposed.

- 5) The approved Outline Plan shall bind the applicant, owner and mortgagee, if any, and the City of Martin with respect to the contents of such plan. The Outline Plan shall be provided by the applicant in a form suitable for recording and shall be recorded at the Weakley County Register of Deeds after receiving approval from the Board of Mayor and Aldermen.
 - 6) The Outline Plan shall be used in lieu of a Preliminary Subdivision Plat to comply with the provisions of the subdivision regulations pertaining to Preliminary Plats.
 - 7) The Martin Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.
 - 8) Unless as specified otherwise in this chapter, the approved Outline Plan of the planned development shall control the development of the planned development rather than any other provisions of the Zoning Ordinance. In the absence of an express condition of the planned development, the applicable ordinances and regulations of the City will apply.
- d) Steps of the Approval Process following Outline Plan approval** - Development plans submitted as part of a planned development shall be submitted in a form that will satisfy the requirements of the Subdivision Regulations for subdivision plats or Zoning Ordinance requirements for site plans.
- e) Application for Preliminary Subdivision Plat/Site Plan Approval** - After an Outline Plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a preliminary subdivision plat or preliminary site plan, provided that such plats/plans are in substantial compliance with the Outline Plan. The submission of a preliminary subdivision plat or preliminary site plan will be based on the type of development and will follow the applicable requirements and review procedure for a preliminary subdivision plat or preliminary site plan.
- The preliminary subdivision plat/site plan application shall include a copy of the Outline Plan showing the overall development, any applicable covenants and/or restrictions, conditions, and other required drawings and specifications as set forth by the approval of the Outline Plan.
- f) Construction drawings** - The construction drawings for either the entire development or a phase of the development shall be reviewed by City Engineer in accordance with the subdivision regulations.
- g) Application for Final Subdivision Plat/Site Plan Approval** - After a preliminary subdivision plat/site plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a final subdivision plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary plat/site plan and the Outline Plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the applicable requirements and review procedure for a final subdivision plat or final site plan.

The final subdivision plat/site plan application shall include a copy of the Outline Plan showing the overall development, any applicable covenants and/or restrictions, conditions, and other required drawings and specifications as set forth by the approval of the Outline Plan.

- h) Zoning administration; permits** - The Building Official may issue building permits for the area of the planned development covered by an approved final subdivision plat or site plan for work in conformity with an approved final site plan and with all other applicable ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final subdivision plat or site plan of any stage of the planned development unless the open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final subdivision plat or site plan if the completed buildings or structures conform to the requirements of the approved final subdivision plat or site plan and all other applicable regulations and ordinances.
- i) Reapplication if denied** - If any application for a planned development is denied by the Board of Mayor and Aldermen, a reapplication pertaining to the same property and requesting the same or substantially similar planned development may not be filed within 12 months of the date final action was taken on the previous application, unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.
- j) Procedure for amendment** - A planned development and the approved Outline Plan may be amended in accordance with the procedure which governed its approval as set forth in this section. However, no such amendment shall be required if the applicant only proposes a modification from what has been previously approved, and such modification is determined by the Building Official as minor. As used in this subsection, the term MINOR shall mean slight variations or alterations to the Outline Plan which cannot reasonably be expected to cause a change in the internal function of the site or its off-site impact. The Building Official may authorize minor modifications when same are determined to be consistent with the Outline Plan. A request for a minor modification must be filed with the Planning Staff stating the nature of the request and justification for same, as well as a proposed final site plan illustrating the proposed change, which shall be suitable for official recording in the land records of Weakley County. If the Building Official determines the proposed modification is not minor, the applicant may seek an amendment in accordance with the procedure which governed the initial approval as set forth in this section.

If a planned development is subdivided, sold, or leased, all the owners of the subdivided, sold, or leased planned development may jointly apply for an amendment to the Outline Plan, which shall be governed by the procedures and requirements contained in this ordinance for the approval of the Outline Plan.

ARTICLE IX SIGN REGULATIONS

Section A. Purpose and Rationale.

It is the purpose of this Article to advance significant government interests by establishing the reasonable and impartial regulation of signs within the City of Martin to accomplish the following goals:

1. To protect and promote public safety, health, convenience and general welfare by decreasing the risk of traffic hazards which distract, confuse or impair the visibility of motorists and pedestrians and by increasing the effectiveness of signs needed to direct the public;
2. To protect the public investment in streets and highways;
3. To enhance public prosperity and the general welfare by minimizing any adverse effects upon the natural scenic beauty and by providing an attractive visual environment in the city so that it is a more desirable place to live, visit and conduct business; and,
4. To protect property values by ensuring compatibility with surrounding land usage and by ensuring light, air and open space.

These signs regulations are intended to complement the various codes and ordinances of the city of Martin and state and federal governments. Wherever there is inconsistency between these sign regulations and other regulations of the aforementioned governments, the more stringent shall apply.

The word “sign” is chosen to signify all nonverbal communication in public viewed areas because of its traditional use. The work “graphic” is synonymous with “sign” and the two may be used interchangeably within the context of this Article.

Section B. Definitions.

Words in the text of this Article shall be interpreted in accordance with the definitions set forth in this section. Where words have not been defined, the definition found in the most current edition of Webster’s Unabridged Dictionary shall be used.

Generally, the word “sign” means any writing (including letters, work or numerals), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), flag (including banner or pennant), inflatable structure or any other figure of similar character, which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure and is used to announce, direct attention to or advise.

In addition, the following terms are defined:

1. “**Billboard**” is defined as a sign exceeding 200 square feet in sign area (or exceeds the maximum allowable sign area allowed in a zoning district, if more restrictive) that is used to advertise or inform by directing attention to a cause, event, campaign, business, profession, commodity, product, service or entertainment which is conducted, sold, distributed or offered elsewhere than upon the same premises as the billboard, or which directs attention to any brand name or trade name product which may be available on the same premises as the billboard.
2. “**Building sign**” means any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign. A building sign may be attached by means of projection, wall mounting or roof support subject to height restrictions.

3. “**Business Directional Sign**” means a sign specifically denoting the direction (by the use of directional arrow) to a business not located on a thoroughfare designated as a federal or state route or as a collector or arterial status street on the Martin Major Road Plan.
4. “**Display surface area**” means the entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.
5. “**Ground sign**” means a sign that has no attachment to any part of a building and meets one of the following criteria:
 - A. Mounted directly on and securely attached to a concrete slab at ground level; or
 - B. Mounted on and securely attached to one or more posts, columns, braces or structures other than buildings extended from ground level and anchored in the ground.
6. “**On-premises sign**” is a sign that advertises or attracts attention to a specific event, activity, establishment, commodity, product, service or entertainment which is conducted, sold, distributed or offered on the same premises as the sign, or offered elsewhere than upon the same premises as the sign if the sign is accessory to the principal use.
7. “**Portable sign**” means any sign, unless otherwise permitted by this Article, that is designed and constructed in such a way as to not require permanent attachment to the ground, a building, or other unmovable object/structure. The use of hold-down stakes/poles or other like methods does not constitute permanent attachment.
8. “**Projection-mounted sign**” means a building sign that is:
 - A. Attached to a wall and projects outward from the wall more than six inches; or
 - B. Suspended from any structure that constitutes a covering or shelter such as a canopy, portico or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or form a wide angle with the surface to which it is attached.
9. “**Roof-mounted sign**” means a building sign that is attached to or mounted on a roof in such a way that the top of the sign does not exceed the roofline.
10. “**Signage**” means the area in square feet of the continuous perimeter of copy including any wording, numerals, emblem or representation which is used to announce, direct attention to or advertise.
11. “**Sign setback line**” means the spacing between a sign and a lot line or two signs.
12. “**Temporary sign**” means a sign that announces an event, use or availability for the duration of that event, use or availability and limits the placement and removal of the sign to a limited period of days before and after the event, use or availability.
13. “**Wall-mounted sign**” means a building sign that conforms to the following:
 - A. Attached to a wall (including a parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee; and
 - B. Does not project outward more than six inches from the surface to which it is attached; and
 - C. The sign face is parallel to the plane of the surface to which it is attached.

Section C. Prohibited Signs.

It is unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this title. Any prohibited sign(s) may be removed by the building inspector or his designee after notice to the property owner or occupant to remove such sign(s) within three days. The following signs are expressly prohibited:

1. Signs that are in violation of this code or any other rule / regulation / ordinance adopted by the City of Martin;
2. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, fire hydrant or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this or other ordinance adopted by the City of Martin;
3. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device;
4. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals;
5. Signs placed upon benches, bus shelters or waste receptacles except when such benches, bus shelters or waste receptacles are placed wholly within a private development in a nonresidential zoning district and are not oriented to be readily visible from a public right-of-way;
6. Signs erected on public property or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes or as otherwise authorized by the governing body of the City of Martin;
7. Signs with any copy, graphics or displays that change by electronic or mechanical means, when the copy, graphics or display does not remain fixed, motionless and non-flashing for a period of two seconds or more;
8. Billboards in permitted zoning districts or signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for time/temperature/ date signs;
9. Signs that incorporate projected images emit any sound, odor or visible matter (such as smoke or steam) that is intended to attract attention, or involve the use of live animals;
10. Signs, within ten feet of public rights-of-way or one hundred feet of traffic-control devices, that contains red or green lights that might be confused with a traffic-control device;
11. 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;
12. Blank on-premises temporary signs;
13. Strings of incandescent light bulbs with wattage in excess of ten watts per bulb that are used on commercially developed parcels for commercial purposes other than traditional holiday decorations;
14. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic-control signs;
15. Signs attached to, suspended from or painted on any motor vehicle, trailer, or other equipment in:
 - A. Residential districts. Signs attached to, suspended from or painted on any motor vehicle, trailer, or other equipment, including but not limited to trucks, recreational vehicles,

boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implements, implements of husbandry, etc., parked on any street or on any private or public property which are marked to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or other similar purposes are prohibited.

B. Nonresidential districts. All motor vehicles, trucks, trailers and other types of equipment which have company logos or business signs attached to, suspended from or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the front line of the building except while being actively loaded or unloaded, unless parking on the property behind the front line is not possible, in which event such vehicles, trailers and equipment shall be parked in as remote a location as possible away from the public streets and public view. The parking of such vehicles with signs to augment tenant identification or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or for any other purpose related to the promotion of the business or other activity on the premises is prohibited;

16. Signs displaying copy that is harmful or potentially harmful to minors to include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks and/or breasts;

17. Portable signs as defined by this ordinance.

Section D. Exempt signs.

The following on-premises signs are exempt from the operation of these sign regulations provided they are not placed within, or constructed to be in violation of, the required sign height/setback lines for permanent on-premises signs established for that particular zoning district or create a hazard of any kind through the obstruction of vision by motorists and/or pedestrians:

1. Within nonresidential districts, signs that are displayed for the direction or convenience of the public, such as signs which identify entrances, exits, drive-thru windows, or signs of a similar nature. Such signs shall not exceed six square feet in area, provided that such sign, or combination of such signs, does not constitute a sign prohibited elsewhere within this ordinance;
2. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission from the appropriate federal, state or local government;
3. Legal notices and official instruments;
4. Holiday lights and decorations with no commercial message;
5. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards;
6. Works of art that do not constitute advertising;
7. Signs carried by a person when the person does not receive any financial compensation;
8. Official government, fraternal, religious or civic flags when mounted on permanent poles attached to the ground or building;
9. In all nonresidential districts decorative flags of sixteen square feet or less in size that are mounted on individual poles. The poles shall be separated by a minimum distance of twenty-five feet, except that four poles may be clustered at one location per street frontage. If the option to cluster is exercised no other poles shall be erected along that street frontage. The

flags may contain a logo and shall be subject to the height and front setback requirements for the respective district;

10. Temporary signs for political purposes not to exceed twenty-four square feet in residential districts and thirty-two square feet in non-residential districts and shall be subject to the height and front setback requirements for the respective district;
11. Decorative flags and bunting for a celebration, convention or commemoration subject to removal within seven days following the event;
12. Temporary merchandise displays and signs behind or painted onto storefront windows and doors;
13. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building;
14. Signs incorporated into machinery or equipment by a manufacturer or distributor which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, fee collection boxes, and gasoline pumps;
15. In residential districts, any sign of a type described below which does not exceed two square feet in area:
 - A. A sign giving a property identification name or number or name(s) of occupant(s), one sign per lot;
 - B. A mailbox sign (one sign per dwelling unit), or
 - C. A sign(s) posted on property relating to private parking, trespassing or dangerous animals (limited to one sign per zone lot if less than one acre in size);
16. Temporary or permanent signs identifying traffic control measures on private property, such as “stop,” “yield,” and similar signs, the face of which meet the standards of the “Manual for Uniform Traffic Control Devices” and which contain no logo or commercial message of any sort and which do not exceed six square feet in area per sign;
17. Temporary signs announcing yard sales which do not exceed six square feet in area, limited to one per lot, which are erected no sooner than five days before the event, and are removed within two days after the event;
18. Temporary signs announcing construction (to include builder and/or materials supplier(s), designer, etc.) in residential districts which do not exceed twenty-four square feet in area and six feet in height, and in nonresidential districts which do not exceed thirty-two square feet in area and ten feet in height, and are installed after the issuance of a building permit and removed prior to occupancy of the dwelling/building. If a sign is displayed pursuant to this section but construction is discontinued for a period of sixty days, the sign(s) shall be removed pending continuation of construction activities;
19. Temporary signs announcing real estate availability in residential districts which do not exceed six square feet in area and six feet in height for ground signs, and in nonresidential districts which do not exceed thirty-two square feet in area and ten feet in height for ground signs. These signs are limited to one sign per street frontage. Further, in nonresidential districts, one building sign (not exceeding thirty-two square feet in area and ten feet in height) with wall attachment per building facade is permitted if the entire building is for sale or lease, or one building sign (limited to sixteen square feet in area and six feet in height) with wall attachment per leasable area if subunits of the building are for lease or rent;

20. Temporary signs for announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs are less than thirty-two square feet in area, are limited to one sign per site of such events, are erected no sooner than fourteen days before the event, and are removed within seven days after the event;
21. Restaurant menu boards either as an on-premises ground or on-premises building sign when oriented toward a drive-through lane. Menu boards may contain logos provided that the logo does not comprise more than twenty percent of the total maximum sign area of sixty square feet and a maximum height of ten feet. The menu board shall be located within thirty feet of the point at which orders are taken from the motor vehicle;
22. Signs located within a building that is not oriented so as to be viewed from the exterior of the building. Signs located within a tourist/entertainment facility, school campus, office or hospital complex, any of which contains at least five acres of lot area, that are not visually oriented toward a public right-of-way;
23. Scoreboards or advertising signs located on athletic fields if oriented toward the field of play;
24. Temporary auction signs to be erected no longer than twenty-one days prior to the event and to be removed within one normal business day after the auction event. Any such sign shall not exceed twenty-four square feet in size in residential districts and thirty-two square feet in all other districts.

Section E. Temporary Signs.

On-premises temporary signs are permitted in all districts subject to the restrictions imposed by this section and other relevant parts of this ordinance.

1. Sign Types Allowed. A temporary sign may be an on-premises ground or on-premises building sign, but may not be constructed of or operated by electrical, electronic or mechanical parts. Banners are defined as being temporary signs as are signs commonly referred to as wind signs, consisting of one or more flags which are not otherwise exempted, pennants, ribbons, spinners, streamers or captive balloons which are less than ten feet in their greatest dimension, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind;
2. Removal of Illegal On-Premises Temporary Signs. Any temporary sign not complying with the requirements of this section or other relevant parts of this ordinance is illegal and subject to immediate removal.
3. Restrictions on On-Premises Temporary Signs. Any on-premises temporary sign may display any message so long as it is not harmful to minors as noted by this ordinance and may be displayed for the following purposes:
 - A. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located;
 - B. In nonresidential districts to indicate the opening of a new business, a change in use or ownership, a general merchandise sale, or a going out of business sale. Such message may be displayed for a period not exceeding twenty-one days within the first three months that the occupancy is open for business or under new ownership or the last three months before closing, or a period not exceeding twenty-one days in the event of a general merchandise sale;
 - C. In nonresidential districts to indicate the existence of a new business, or a business in a new location, if such business has no permanent sign(s). Such message may be

displayed for a period of not more than sixty days or until installation of permanent signs, whichever shall occur first;

- D. To announce or advertise such temporary uses as fairs, carnivals, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be erected no sooner than fourteen days before the event, and removed within seven days after the event;
 - E. To indicate the availability of goods for sale, either on a vacant lot, or within a temporary structure, such as a tent. Such message may be displayed for a period not exceeding thirty days, and not more than once a quarter on a yearly basis.
- 4. Open Space Requirements for On-Premises Temporary Signs. On-premises temporary signs shall comply with the established front setback requirements elsewhere in this Article and shall not be permitted in any required side or rear setback.
 - 5. Permissible Size, Height and Number.
 - A. Single-Family and Duplex Residences. Any lot occupied by a one-family or two-family residence may display one on-premises temporary sign with a maximum sign area of six square feet and a maximum height of six feet.
 - B. Triplex and Fourplex residences. Any lot occupied by a three-family or four-family residence may display not more than two on-premises temporary signs with an aggregate sign area of not more than twelve square feet. No individual sign shall exceed six square feet in area or six feet in height.
 - C. All Other Uses. All other lots may display one square foot of on-premises temporary signage per ten feet of frontage to a maximum of thirty-two square feet. Lots with frontage on more than one side may apply this provision to one additional side. No on-premises temporary sign shall exceed ten feet in height.

Section F. Permanent On-Premises Signs.

Permanent on-premises signs are permitted in all districts subject to the following provisions unless prohibited by this ordinance or other ordinance adopted by the City of Martin. All permanent on-premises ground and building signs shall comply with the minimum setbacks and spacing as established in the setbacks and spacing section of this ordinance. Signs placed in districts designated as a historic district (HD) on the Zoning Map of Martin, Tennessee shall, in addition to compliance with this section, comply with the design guidelines of that respective historic district and receive a Certificate of Appropriateness (COA) approved by the Historic Zoning Commission of Martin, Tennessee prior to installation/construction.

- 1. Residential Districts. Permanent on-premises ground and on-premises building signs that serve the specific function of identifying a residential development are permitted subject to the following provisions:
 - A. Each residential development containing three through fifteen dwelling units and approved under one plat shall be permitted one on-premises identification sign, with a maximum size of twelve square feet and a maximum height of six feet, at the development entry from a public street subject to the setback requirements in the setbacks section of this Article. The sign may be illuminated by direct and steady means only.

- B. Each residential development containing at least sixteen units and approved under one plat shall be permitted one on-premises identification sign, with a maximum size of twenty-four square feet and a maximum height of six feet, per development entry from a public street subject to the setback requirements in the setbacks section of this Article. Each sign may be illuminated by direct and steady means only. Further, the on-premises identification sign at each entry may be one of the following:
1. A double-sided sign located perpendicular to the public street and containing up to twenty-four square feet for the one sign face.
 2. A single-sided sign located parallel to the public street and containing up to twenty-four square feet for the one sign face. Displaying a sign on the opposite face is prohibited.
 3. A flared wall, or similar, to which two single-sided signs are attached or imbedded and each sign does not exceed twelve square feet; or one single-sided sign attached or imbedded which does not exceed twenty-four square feet.

NOTE: Each residential development identification sign shall be maintained perpetually by the developer, sign owner, owners' association or other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

- C. A building that contains a minimum of sixteen units may be permitted one flat-mounted on-premises building sign of a maximum of twenty-four square feet in area, for each street frontage, and may be placed on the street facing facade of the building provided that it does not extend more than six inches from the facade of the building. The sign may be illuminated by direct and steady means only.

D. R-4 districts.

1. One on-premises ground sign limited in area to one square foot of sign per one foot of road frontage, but not to exceed a total of thirty-two square feet. In the case of a corner lot, only one road frontage may be used in the computation of the maximum sign area. The maximum height of an on-premises ground sign shall be limited to ten feet and the maximum horizontal or vertical dimension may not exceed eight feet.
 2. One on-premises building sign limited in area to a maximum of twenty square feet. The on-premises building sign must be attached to the primary structure with no projection from the building greater than six inches and shall be placed on the side of the building and, if illumination is desired, may be illuminated by direct and steady means only. Signs shall not be permitted on roofs.
2. Commercial Districts. Permanent on-premises ground and on-premises building signs are permitted in Commercial districts subject to the following provisions:
- A. B-1 and B-3 Districts.
1. One on-premises ground sign limited in area to one square foot of sign per one foot of road frontage, but not to exceed a total of sixty-four square feet. Corner lots may utilize both road frontages in the computation subject to the maximum sign area of sixty-four square feet. The maximum height of an on-premises ground sign shall be limited to fifteen feet.

2. On-premises building signs are not limited in number and may be placed on the building itself or a canopy or awning attached thereto. However, the total area of all on-premises building signs may not exceed ten percent of the square footage of the building facade facing a public street and in no case may exceed a maximum total of seventy-two square feet in area. The building facade will be calculated using the sidewall of a building actually facing the street; no other wall or roof area may be used in the computation. Further, in the case of multiple buildings on a lot, only one building (the largest, if desired) may be used in the building facade computation. Roof signs may be utilized as on-premises building signs but may not exceed the maximum height of the building roof.
3. In the case of a building, or individual tenant space, having a canopy, each tenant shall be permitted one under canopy sign limited to six square feet in area and a minimum ground clearance of seven feet.

B. B-2 and P-B Districts.

1. One on-premises ground sign limited in area to one square foot of sign per one foot of road frontage, but not to exceed a total of 100 square feet. However, in the case of a shopping center, mall, or other arrangement in which the property for parking and/or frontage is under common or shared ownership, the shopping center, mall or grouping of business and/or offices may, upon approval of a master sign plan for the development to ensure uniformity in free-standing and building signs, erect one permanent on-premises ground sign per street frontage limited in area to one square foot of sign area per one foot of road frontage but not to exceed a total of 200 square feet in area. Corner lots may utilize both road frontages in the computation. The maximum height of an on-premises ground sign shall be limited to thirty-five feet; however, if the street grade of a collector status street (as shown on the City of Martin's Major Road Plan) is at an elevation above the proposed lot so that a thirty-five feet tall sign is rendered useless, a taller sign up to a maximum of fifty feet may be allowed.
2. On-premises building signs are not limited in number and may be placed on the building itself or a canopy or awning attached thereto. However, the total area of all on-premises building signs may not exceed ten percent of the square footage of the building facade facing a public street and in no case may exceed a maximum total of sixty-four square feet in area. The building facade will be calculated using the sidewall of a building actually facing the street; no other wall or roof area may be used in the computation. Further, in the case of multiple buildings on a lot, only one building (the largest, if desired) may be used in the building facade computation. In the case of a shopping center, mall, or other arrangement in which the property for parking and/or frontage is under common or shared ownership, each tenant may utilize only the building facade facing the parking and/or frontage in the building facade computation. Roof signs may be utilized as on-premises building signs but may not exceed the maximum height of the building roof.
3. In the case of a building, or individual tenant space, having a canopy, each tenant shall be permitted one under canopy sign limited to six square feet in area and a minimum ground clearance of seven feet.

3. H and U Districts. Permanent on-premises ground and on-premises building signs are permitted in Hospital (H) and University (U) districts subject to the following provisions and the setbacks as established in the setback section of this ordinance:
 - A. One permanent on-premises ground sign per street frontage limited in area to one square foot of sign area per one foot of road frontage with the maximum area per sign limited to sixty-four square feet. The maximum height of any permanent on-premises ground sign shall be ten feet.
 - B. Permanent on-premises building signs are not limited in number and may be placed on the building itself or any canopy or awning attached thereto. The aggregate total of all on-premises building signs may not exceed one square foot of sign area per two feet of road frontage but in no case may exceed 100 square feet. Only one road frontage dimension may be used in the computation.
4. M Districts. Permanent on-premises ground and on-premises building signs are permitted in Industrial (M-1 and M-2) districts subject to the following provisions and the setbacks as established in the setback section of this ordinance:
 - A. One permanent on-premises ground sign per street frontage limited in area to one square foot of sign area per one foot of road frontage with the maximum area per sign limited to 200 square feet. The maximum height of any permanent on-premises ground sign shall be twenty feet.
 - B. Permanent on-premises building signs are not limited in number and may be placed on the building itself or any canopy or awning attached thereto. The aggregate total of all on-premises building signs may not exceed 150 square feet.
 - C. Billboards having an allowable area of one square foot for each one foot of road frontage not to exceed 300 square feet and not to exceed thirty-five feet in height. In no case shall billboards be located closer than 1,000 feet from any other billboard sign on the same side of the street. In the case of a billboard being placed perpendicular to the street, only one face of the signage will be used in the computation of allowable sign area even though both faces may be utilized.

Section G. Business Directional Signs.

In order to promote the economic welfare of the Martin community, directional signs will be allowed for certain business not located on a thoroughfare designated as a federal or state route or as a collector or arterial status street on the Martin Major Road Plan. Such are signs allowed in any municipal zoning district. However, the placement of the signs must be in accordance with the following provisions:

1. All such signs must be permitted through the Office of the Building Inspector (Code Enforcement).
2. All signs must be located on a metal pole approved by the enforcement officer.
3. No sign shall be allowed between a height of two and one-half feet and ten feet where the sign is located within ten feet of the front property line in order to prevent any obstruction of vision. Signs more than ten feet from the public right-of-way may not exceed twelve feet in height.
4. All signs must conform to the uniform dimensions of thirty-six (36) inches in width and twenty-four (24) inches in height.

5. All signs must be of a metal, or equally durable, material so as to appear as a standard public road sign and must contain reflective lettering and a directional arrow.
6. No more than one approved pole supporting no more than two approved signs may be located on any one lot of record.
7. All signs must be located on private property and may be placed only through the permission of the property owner.
8. Such signs are allowed in any zoning district. However, if such sign is proposed within a Historic District, the sign and pole must meet the approval of the Martin Historic Zoning Commission.

Section H. Setbacks and Spacing.

Minimum setbacks from property lines and spacing of signs are required for the protection of the public, to provide for reasonable future expansion of the public right-of-way with the least disturbance of existing conforming signs, and to allow the general public, whether pedestrian or motorist, to have an equal right to view buildings, structures and natural features in the foreground and background. Therefore, all ground signs within the City of Martin are subject to the following setback and spacing requirements:

1. Setbacks.
 - A. Temporary signs. No temporary sign may be placed in a required side yard or required rear yard. All temporary signs in all districts must maintain the following front setback:
 1. Temporary signs no more than two and one-half in height- two feet from front property line.
 2. Temporary signs more than two and one-half feet in height- fifteen feet.
 - B. Permanent signs. No permanent sign may be placed in a required rear yard. All permanent signs must maintain a side yard setback of ten feet. All permanent signs in all districts must maintain the following front setback:
 1. Permanent signs no more than two and one-half feet in height- two feet from front property line.
 2. Permanent signs more than two and one-half feet to no more than ten feet in height- fifteen feet from front property line.
 3. Permanent signs more than ten feet in height- ten feet from front property line.
2. Spacing.
 - A. All temporary signs shall be spaced a minimum of ten feet apart.
 - B. No permanent ground sign greater than two and one-half feet in height shall be located closer than one hundred feet to another permanent ground sign greater than two and one-half feet in height located on the same lot.
 - C. No permanent ground sign no more than two and one-half feet in height shall be located closer than twenty-five feet to another permanent ground sign no more than two and one-half feet in height on the same lot.

- D. No permanent ground sign no more that two and one-half feet in height shall be located closer than ten feet to a permanent ground sign greater than two and one-half in height on the same lot.
- E. No permanent ground sign shall be located closer than fifteen feet to another permanent ground sign on a neighboring lot.
- F. No billboard shall be located closer than one hundred feet to a permanent ground sign nor any closer than 1,000 feet to any billboard located on the same side of the street.

Section I. Nonconforming Signs.

It is the intent of this section to provide for the orderly elimination of all nonconforming signs. Any lawfully erected permanent sign that is now considered to be nonconforming may continue to be maintained exactly as it existed prior to the enactment of these provisions except as provided below:

1. Shall not be replaced with another nonconforming sign.
2. Shall not have any changes in the words, logo or symbols which are part of a message unless the sign is an off-site sign or bulletin board.
3. Shall not be structurally altered so as to prolong the life of the sign, increased in size, shape, type or design.
4. Shall not be re-established after damage or destruction if the estimated expense of repair exceeds fifty percent of the value of the original sign.
5. Shall not be re-established after the activity or name of the business or ownership shall have changed requiring a change in the sign name or advertisement itself.

ARTICLE X DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

Accessory On-Site Sign - A sign, generally informational, that has a propose secondary to the use of the lot on which it is located such as "no parking", "entrance", "loading only", "telephone", and other similar directives.

Accessory Building - See Building

Addition - (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction. (For Floodplain Management Purposes)

Administrator - refers to the Federal Insurance Administrator, to whom the Director has delegated the administration of the program. (For Floodplain Management Purposes)

“Adult Arcade” – means any place which the public is permitted or invited wherein coin-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.

“Adult Bookstore or Adult Video Store” - means a commercial establishment that, as one of its principal business purposes, or by constituting over ten (10) percent of gross retail sales, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe “specified sexual activities” or “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “Specified anatomical areas” and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE to ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe “specified materials that depict or describe “specified sexual activities” or “specified anatomical areas” A principal business purpose need not be a primary use of an establishment so long as it is significant use based upon the visible inventory or commercial activity of the establishment.

“Adult Cabaret” – means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- A. persons who appear in a state of nudity or semi-nudity, or

- B. live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or
- C. films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, or
- D. persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

“Adult Motel” – means a hotel, motel or similar commercial establishment that:

- A. offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- B. offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
- C. allows a tenant or occupant of a sleeping room to sublet the room for a period of time less than twenty-four (24) hours.

“Adult Motion Picture Theater” – means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

“Adult Theater” – means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/pr semi-nudity, and/or live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Alley - Any public or private way set aside for public travel twenty (20) feet or less in width.

Apartments - A residential building designed for or occupied by five or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Base Flood - See one-hundred year flood.

Basement - means that portion of a building having its floor subgrade (below ground level) on all sides. (For Floodplain Management Purposes)

Bed and Breakfast Inn - An incidental use of a single family residence, said use being a part-time for profit endeavor providing tourist accommodations to guests for a period of time not to exceed forty-eight (48) hours and providing a home type atmosphere and which will be subject to the same licensing, inspection and taxation requirements as hotels and motels.

Billboard - See Off-premise Sign

Building - Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs and similar structures whether stationary or movable. For the purpose of yard requirements, signs and billboards are not required to comply with setback requirements as determined for buildings.

(A) Principal Building - 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 the principal building on the lot on which the same is situated.

(B) Accessory Building - A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools and satellite dishes shall be considered accessory buildings in residential districts.

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

Canopy Sign - A sign attached to a canopy.

Construction Sign - A sign stating the name of a future site occupant and other information concerning a construction project underway on the premises.

Day Care Center - means any place, operated by a person, society, agency, corporation, institution, or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day without transfer of custody.

Development - means any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations or permanent storage of materials. (For Floodplain Management Purposes)

Directional Sign - A sign that provides on-site directional assistance for the convenience of the public such as the location of exists, entrances, and parking lots.

Directory Sign - A sign which displays the names and/or address of the establishment or use of a building or group of buildings.

Dwelling, Multi-Family - A residential building designed for or occupied by not less than two nor more than four families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling Unit - One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

“Escort Agency” – means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other considerations.

“Establishment” – means and includes any of the following:

- A. the opening of commencement of any sexually oriented business as a new business
- B. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business
- C. the addition of any sexually oriented business to any other existing sexually oriented business; or
- D. the relocation of any sexually oriented business; or
- E. a sexually oriented business or premises on which the sexually oriented business is located.

Existing Construction - Any structure for which the "start of construction" commenced (before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (special date). (For Floodplain Management Purposes)

Family

- (A) An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or
- (B) A group of not more than two (2) persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.
- (C) In the R-2 (Medium Density Residential) District the above definitions shall apply but the following shall also apply:
 - 1. In the event the land owner also lives in the home, the landlord will not be considered in determining the number of persons living in the dwelling. Further, in the event the land owner lives in the rented dwelling, upon appeal, as many as five (5) unrelated persons may be allowed to live in the rented dwelling.
 - 2. In the event the land owner does not live in the rented dwelling, upon appeal, as many as three (3), but no more than three (3) unrelated persons may occupy the rented dwelling.
 - 3. Factors which should be given consideration as to whether the above uses will be granted on appeal are by way of illustration and not by limitation the following; Adequate off-street parking to provide two parking places per bedroom, sanitation facilities and the dwelling and the effect of granting such variance on the general welfare and well being of the affected locality. In the event any of the above uses are permitted on appeal, such permitted uses shall only exist for a period not to exceed twelve (12) months. Application for permitted uses on appeal shall be reviewed at the expiration by the BZA.
- (D) In the R-3 (High Density Residential District) the definition shown in 1. and 2. above shall apply except that four (4) unrelated persons may live together and constitute a single family unit. Further, in the event the land owner also resides in a rented dwelling, the land owner shall not be considered in determining the total number of unrelated persons living in a dwelling.

Family Day Care Home - means the home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age, who are not related to such person and whose parents or guardians are not residents in the same house, less than twenty-four (24) hours per day for care, without transfer of custody. As used in

this definition, the word "related" means the children, step-children, grand-children, siblings, step-siblings, nieces and nephews of the primary caregiver.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity.

Flashing Sign - An illuminated sign which by revolving or rotating parts or lights or overall effect, produce very noticeable changes in light intensity or color effects similar to revolving traffic or safety lights, and/or police and other public safety vehicles.

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

Flood Hazard Boundary MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow), and flood-related erosion areas having special hazards have been designated as zone A, M, and/or E.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodplain - A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this Ordinance, the land subject to inundation by the 100-year flood, i.e. the 100-year flood plain.

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

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

Floodway Fringe Area - Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

Floor - means the top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Freestanding Sign - The general term for any on-site sign which is supported from the ground and not attached to a building.

Frontage, Lot - The length of that part of a lot that fronts a public street.

General Flood Hazard District - In the Flood Hazard District which is not designated floodway or flood fringe.

Group Day Care Home - means the home operated by any person, society, agency, corporation, or institution or any group which receives seven (7) or more but less than thirteen (13) children under seventeen (17) years of age for full-time care outside their own homes in facilities owned or rented and operated by the organization.

Group or Institutional Homes and Dwellings - Dwellings which are exclusively occupied by persons who are disabled physically or mentally where a provision is not made to provide full-time on premises professional assistance to the residence.

Lot - A piece, parcel, or plot of land in one ownership, which may include one (1) or more lots on record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under this ordinance. All lots shall front on and have access to a street.

(A) Lot Line - A boundary dividing a given lot from a street, an alley, or adjacent lots.

(B) Lot of Record - A lot, the boundaries of which are filed as a legal record.

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

Manufactured home (for Floodplain Management Purposes) - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision (For Floodplain Management Purposes) - means a parcel (of contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Residential Dwelling - A structure, transportable in one or more sections, which may built on a permanent chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of these regulations the term "manufactured home" does not include "mobile home" as herein defined as further defined in Tennessee Code Annotated, Section 13-24-201.

Mean Sea Level - means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mobile Home -

(A) A factory-built residential structure constructed as a single, self-contained unit and mounted on a single chassis or under-carriage which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the site ready for occupancy, except for minor incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a

mobile home as a non-permanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation.

The term "mobile home" shall include further definition as provided in Tennessee Code Annotated, Section 68-36-202.

(B) For the purpose of interpreting the term "Mobile Home; as the term is used within the Flood Hazard District section, it shall also include though only herein, park trailers, travel trailers manufactured homes, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

New Construction - means structures for which the "start of construction" commenced on or after the effective date of this Ordinance. (For Floodplain Management Purposes)

Non-conforming Sign - A sign that met all legal requirements when constructed but that is not in compliance with this Ordinance. An illegal sign is not a non conforming sign.

Non-conforming Structure - A structure which was lawfully constructed prior to enactment, or amendment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Non-conforming Use - A use of a building or of land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located

"Nude Model Studio" – means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketch, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

Off-Premise Sign - Any sign which is not located on the premises that it identifies or advertises.

On-Premises Sign - A sign which advertises only goods, services, facilities, events or attractions on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

One-Hundred Year Flood - A flood which has, on the average a 1-percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood".

Political Sign - A sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forthcoming public election or referendum.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels; signs converted to A- or T- Frames; menu and sandwich boards signs; balloons used as signs; umbrellas used for advertising.

"Premises" – means the real property upon which the sexually oriented business is located and all appurtenances thereof and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereof, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section IV of this Ordinance;

Principal Building - See Building

Real Estate Sign - A temporary sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, or lease, or rent.

Rotating Sign - Any sign or portion of a sign which moves in a revolving or similar manner.

“Sexual Encounter Center” – means a business or commercial enterprise that, as one of its principal business purpose, offers for any form of consideration:

- A. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

“Sexually Oriented Business” – means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency nude motel studio, or sexual encounter center.

Sign - Any medium or visual communication, including its structure or component parts which is used or is intended to be used as an advertisement, means of identification, or direction.

Sign Area - The area included with the outer dimensions of a sign. In the case of "skeleton letters" or other signs placed on a wall without any border, the area shall be the sum of the area of each letter, shape, or figure.

Sign Height (Ground Signs) - The distance from the average ground level at the base of the supporting structure to the top of the sign.

Start of Construction - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of 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.

State Coordinating Agency - is a reference to the Local Planning Assistance Office of the Department of Economic and Community Development of the State of Tennessee. (For Floodplain Management Purposes)

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

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitorial or domestic employee shall not be counted as a story.

Street - Any public or private way set aside for public travel twenty-one (21) feet or more in width. The word "street" shall include the words "road", "highway", and "thoroughfare".

Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure) (a _____ () year period), in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair improvement, or (2) in the case of damage, the value of the structure prior to the start of the initial repair improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions. (For Floodplain Management Purposes)

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

Total Floor Area - The area of all floors of a building including finished attic, finished basements, covered porches and attached garages or carports.

Townhouse - A building consisting of a series of three or more attached dwelling units with separate entrance.

“Transfer of Ownership or Control” of sexually oriented business means and includes any of the following:

- A. the sale, lease, or sublease of the business;
- B. the transfer of securities that form a controlling interest in the business, whether by sale, exchange or similar means; or
- C. the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Wall Sign - Any sign erected in such a way that the display surface is parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in an yard subject to height limitations and requirements limiting obstruction of visibility.

(A) Front Yard - A yard extending across the entire width of the lot between the front yard line and the nearest part of the principal building, including covered porches and carports.

(B) Rear Yard - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building including covered porches and carports.

(C) Side Yard - A yard extending along the side lot line from the front yard to rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches and carports.

ARTICLE XI EXCEPTIONS AND MODIFICATIONS

Section A. Lot of Record

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 BZA for a variance from the terms of this ordinance, in accordance with Article XIII, Section D.3.a. 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 is possible in the opinion of the BZA.

Section B. Front Yards

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within the one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

Section C. Group Housing Project

In the case of a group housing project of two or more buildings to be constructed on a plot of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the BZA in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the BZA authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district.

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ARTICLE XII ENFORCEMENT

Section A. Enforcing Officer

The provisions of this ordinance shall be administered and enforced by a Building Inspector, appointed by the Board of Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Section B. Building Permits and Certificates of Occupancy

1. Building Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings or any sign until the Building Inspector has issued a building permit for such work.
2. Issuance of Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance and other ordinances of the City of Martin, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
 - (a) The issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
 - (b) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
 - (c) Any building permit issued by Building Inspector or BZA may be voided by a vote to rescind the permit by two-thirds (2/3) vote of the entire membership of Martin Municipal-Regional Planning commission and the Board of Mayor and Aldermen of the City of Martin with each member entitled to one vote only through a member of each body.
3. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Inspector shall have issued a Certification of Occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certification or occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.
4. Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.

Section C. Penalties

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) or more than fifty dollars (\$50.00) for each offense. Each day such violation continues shall constitute a separate offense.

Section D. Remedies

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

1. After a complaint has been reported to the Building Inspector, or by the Building Inspector, he has fifteen (15) days to respond to the incident with a copy forwarded to the BZA.
2. The violator will be given thirty (30) days to conform to the Zoning Ordinance or within this thirty (30) day period an appeal may be made to the BZA specifying the grounds thereof.
3. If appeal is denied, the violator will have fifteen (15) days in which to institute corrective measures in answer to the violation.
4. If the violation has not been corrected after the fifteen (15) day period or the BZA has denied the appeal, it will be requested that other appropriate action be handled by the City of Martin legal appointee. A copy of all correspondence shall be forwarded to the BZA.

ARTICLE XIII BOARD OF ZONING APPEALS

Section A. Creation and Appointment

A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Martin Board of Zoning Appeals (BZA) shall consist of five (5) members, of which, one (1) member will be from the Martin Municipal-Regional Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen. The terms of membership shall be three years except that the initial individual appointments to the Board shall be terms of one, two three, four, and five years respectively. Vacancies shall be filled for any unexpired term by the Mayor in confirmation by the Board of Mayor and Aldermen.

Section B. Procedure

Meetings of the BZA shall be held at the call of the Chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

Section C. Appeals: How Taken

An appeal to the BZA may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeal was taken. The Board 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 which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.

After the BZA has conducted a hearing on appeal, additional appeals regarding the same parcel of property must not be introduced for another twelve (12) month period. Upon submission and rejection of a second appeal, no additional appeals for the same request shall be introduced for a period of at least forty-eight (48) months. If in the opinion of the planning commission documented unusual circumstances warrant the removal of these restrictions, the BZA may reconsider the same appeal.

Section D. Power

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 Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance, or for interpretation of the zoning map or ordinance.
2. Special Exceptions. To hear and decide applications for special exceptions upon which the BZA is specifically authorized to pass as follows:
 - (a) Article V. Section A-2a, Section B-2a, and Section C-2a. The board shall have the power to review proposals for those uses identified in these Sections and to impose such

reasonable conditions as are necessary to preserve and protect the character of the neighborhood.

- (b) Article V. Section A-2c, Section B-2c, and Section C-2c. The board may permit or deny those uses identified in these Sections or impose such conditions as it deems necessary to preserve and protect the area in which the proposed use is located.
 - (c) Article V. Section A-2c, Section B-2c, and Section C-2c. The board may permit or deny customary incidental home occupations provided that they shall not be permitted unless the provisions of these sections are met and subject to such conditions as the board may impose to preserve and protect the area.
 - (d) Article VII. Section A-2a. The board may permit in M-1 Districts uses which in its opinion are similar to these identified in Section A-1c of Article VII, subject to such conditions as it deems necessary to protect the area.
 - (e) Article VII, Section B-2b. The board may permit in M-2 districts the uses identified in this provision, or similar uses, subject to such conditions as it deems necessary to protect the area.
3. Variances. To hear and decide application for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property prior to the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.
- (a) In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.
 - (b) Before any variance is granted it shall be shown that circumstances are attached to the property which does not generally apply to other property in the neighborhood.

ARTICLE XIV AMENDMENT

Section A. Zoning Amendment Petition

The Board of Mayor and Aldermen of Martin, Tennessee may amend the regulations, restrictions, boundaries, or any provision of any ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to the ordinance.

Section B. Planning Commission Review

No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the City Planning Commission. If the City Planning Commission within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the City Planning Commission neither approves nor disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment. After the Planning Commission has acted upon a petition to change the zoning classification of a piece of property, additional petitions to change the zoning classification of the same piece of property must not be introduced for another twelve (12) months period. Upon submission and rejection of a second zoning reclassification petition no additional petitions for the same zone reclassification shall be introduced for a period of at least forty-eight (48) months. If in the opinion of the planning commission documented unusual circumstances warrant the removal of these restrictions, the commission may reconsider the same petition.

Section C. Public Hearing on Proposed Amendment

Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Martin, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

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ARTICLE XV 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 Martin, the most restrictive shall in all cases apply.

Section B. Validity

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

Section C. Effective Date

This ordinance shall take effect and be in force fifteen (15) days from and after its passage on the third and final reading and adoption, the public welfare demanding it.

Certified by Planning Commission: February 9, 1972

/s/J.C. Corbitt
Chairman

Passed on first reading April 3, 1968

Passed on second reading April 8, 1968

Passed on third reading March 6, 1972

Adopted by Board of Mayor and Aldermen in open meeting
March 6, 1972

/s/C. E. Weldon, Mayor

Attest:

/s/Robert M. Glasgow, Recorder.

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END NOTES

ⁱ Passed September 12, 2005

ⁱⁱ Passed September 12, 2005

ⁱⁱⁱ Ordinance 02009-07, Passed September 14, 2009

^{iv} Passed September 12, 2005

^v Ordinance 02008-05 - Passed October 13, 2008

^{vi} Ordinance 02009-07, Passed September 14, 2009