

MUNICIPAL
ZONING ORDINANCE
DYERSBURG, TENNESSEE

The preparation of this report was financed in part through a Comprehensive Planning Grant from the Department of Housing and Urban Development.

CPA-TN-04-37-1038

Prepared By

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

LOCAL PLANNING OFFICE

WEST TENNESSEE REGION

JACKSON, TENNESSEE *Updated March, 2005*

TABLE OF CONTENTS

ARTICLE TITLE PAGE

AUTHORITY

I TITLE I-1

II PURPOSE II-1

III DEFINITIONS III-1

IV ESTABLISHMENT OF DISTRICTS IV-1

V PROVISION FOR OFFICIAL ZONING MAP V-1

VI RULES FOR INTERPRETATION AND APPLICATION OF
DISTRICT BOUNDARIES VI-1

VII R-1 (LOW DENSITY RESIDENTIAL) DISTRICT VII-1

VIII R-1A (MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL)
DISTRICT VIII-1

IX R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT IX-1

X R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT X-1

XI R-3 MH (MOBILE HOME RESIDENTIAL) DISTRICT XI-1

XII R-P (RESIDENTIAL PROFESSIONAL) DISTRICT XII-1

XIII R-4(HIGH DENSITY RESIDENTIAL) DISTRICT XIII-1

XIV B-1 (LIMITED TRADE AND SERVICES) DISTRICT XIV-1

XV B-2 (GENERAL TRADE AND SERVICES) DISTRICT XV-1

XVI B-3 (CENTRAL BUSINESS) DISTRICT XVI-1

XVII PB (PLANNED BUSINESS) DISTRICT XVII-1

XVII M-1 (LIGHT INDUSTRIAL) DISTRICT XVII-1

XIX M-2 (MEDIUM INDUSTRIAL) DISTRICT XIX-1

XX M-3 (HEAVY INDUSTRIAL) DISTRICT XX-1

XXI H-M (HOSPITAL-MEDICAL) DISTRICT XXI-1

XXII PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS XXII-1

XXIII GENERAL PROVISIONS EXCEPTIONS AND MODIFICATIONS XXIII-1

XXIV ADMINISTRATION AND ENFORCEMENT, BUILDING PERMITS
AND CERTIFICATE OF ZONING COMPLIANCE XXIV-1

XXV BOARD OF ZONING APPEALS XXV-1

XXVI CHANGES AND AMENDMENTS XXVI-1

XXVII VIOLATION AND PENALTY XXVII-1

XXVIII CONFLICT XXVIII-1

XXIX VALIDITY XXIX-1

XXX EFFECTIVE DATE XXX-1

XXXI REPEAL OF PRIOR ORDINANCE XXXI-1 2

ZONING ORDINANCE OF THE CITY OF DYERSBURG, 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 Dyersburg, 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 buildings, 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 DYERSBURG, TENNESSEE AS FOLLOWS:

ARTICLE I

TITLE

Section A. This Ordinance shall be known and may be cited as the Zoning Ordinance of Dyersburg, Tennessee. The map herein referred to which is identified by the title "Zoning Map of Dyersburg, Tennessee," dated April 4, 1971 and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

ARTICLE II

PURPOSE

Section A. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, and convenience, order, prosperity, and 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 population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Section B. They have been made with reasonable consideration, among other things, as to 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

DEFINITIONS

For the purpose of this Ordinance, certain words used herein are defined. Words used in the present tense include the plural, and the plural the singular; the word "shall" is mandatory and not directory. The particular should control the general.

Accessory Building or Use. A use customarily incidental and subordinate to the principal use of building and located on the same lot with such as principal use or building.

An accessory use includes, but is not limited to the following: 3

- a. The children's playhouse, garden house, and private green house.
- b. A civil defense shelter, serving not more than two (2) families.
- c. A garage, shed, or building for domestic storage.
- d. Incinerators incidental to residential use.
- e. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
- f. A non-paying quest house or rooms for quests within an "accessory building" provided such facilities are used for the occasional housing of quests of occupants of the principal building and not for permanent occupancy by others as housekeeping units.
- g. Off-street motor vehicle parking areas and loading and unloading facilities.

Agriculture. The use of land for agricultural purposes. This includes necessary buildings and structures which should be used for agriculture, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for parking, treating or storing the produce; provided, however, that the operation of any such accessory uses should be secondary to that of the normal agricultural activities. Buildings occupied as residences shall not be considered to be used for agricultural purposes.

Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath, and toilet facilities, permanently installed.

Apartment House. A building arranged, intended, or designed to be occupied by two or more families living independently of each other.

Boarding House. A building other than a hotel or motel where lodging and meals for five (5) or more persons are provided for compensation.

Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, or property. When separated by party walls, each portion of such building should be considered a separate structure. A principal or main building is a building in which the principal use is conducted on the lot on which it is located.

Building Line. The line of that face of the building nearest the front, side or rear line of the lot. This face includes carports and porches, whether enclosed or unenclosed, but does not include steps.

Building Line, Established. That line parallel to and a specific setback distance from a front lot line, beyond which a structure cannot be constructed within the required yard created.

Building Height. The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

District. A section of the municipality for which uniform regulations governing the use, 4

height, area, and intensity of use by structures and land, and open spaces about structures herein established.

Dwelling. A building designed or used exclusively as the living quarters for one or more families.

Dwelling, Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls. (And each dwelling located on a separate lot - Condominiums-Zero lot line)

Dwelling, Multi-family. A dwelling containing more than two dwelling units, (and all on one lot apartments)

Dwelling, Patio House. A one-family dwelling on a separate lot with open space setbacks on three sides and with a court.

Dwelling, Semi-detached. A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. (Zero lot line)

Dwelling, Single-family detached. A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. (And all units located on the same lot - Townhouse Apartments)

Dwelling, Two-family. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by any unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. (Duplex)

Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family.

Family. One or more persons who live together in one dwelling unit and who maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.

Hazardous Substance. Any compound or use that can pose a substantial present or potential hazard to human health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Section 63-27-102 of the Tennessee Code Annotated, or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

Home Occupation. Any accessory use of a service character customarily conducted 5

within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a name plate less than one square foot in area and in connection therewith is not involved in the keeping of a stock in trade. The office of a physician, surgeon, dentist, or other professional person, including an instructor in violin, piano, or other individual musical instrument limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be Home Occupations; and the occupations of dressmaker, milliner, seamstress, or beauty shop operator, each with not more than one paid assistant, shall be deemed to be Home Occupations. Dancing instruction, band instrument instruction in groups, tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades, or business of any kind not herein excepted shall not be deemed to be Home Occupations.

Lot. A parcel of land unoccupied, occupied, or intended for occupancy by a use permitted in this Ordinance, including one or more main buildings together with its accessory buildings, open spaces, loading space and parking spaces required by this Ordinance, and abutting upon a public right-of-way, upon a road, street, or private easement.

Lot Line. A boundary or property line of a lot.

Lot Width. The dimension of a lot, measured between side lot lines on the building line.

Manufactured Residential Dwelling. A structure, transportable in one or more sections, which may be 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 and as further defined in Tennessee Code Annotated Section 13-24-201.

Mobile Home. 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 and incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a nonpermanent 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.

Mobile Home Park. Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Nonconforming Use. A building or use of land or structure that does not conform to the regulations for the district in which it is situated. 6

Side Street. Any street paralleling a corner lot not faced by the principal building occupying that corner lot.

Sign. An identification, description, illustration or device which directs attention to a product, place, activity, person, institution, or business.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Street. A public or private way which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something not having a permanent location on the ground.

Surface Area of Sign. The entire display area including all elements of the matter display excluding frames and structural members.

Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Yard. A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided.

Yard, Front. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the building line.

Yard, Rear. A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30 percent of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

Yard, Side. A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the principal building.

Yard, Junk (Salvage Yard). A lot, land or structure or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

Section A. In order to regulate the location, height, bulk, number of stories and size 7

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, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, and to establish in those areas deemed subject to seasonal or periodic floodings, such regulations therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related law or regulations promulgated thereunder.

Section B. The City of Dyersburg is hereby divided into districts of which there shall be fifteen (15) in number known as:

1. Residential Districts

R-1 Low Density Residential District (9,000 square foot lot)

R-2 Medium Density Residential District (7,500 square foot lot)

R-3 High Density Residential District (5,000 square foot lot)

R-3 MH Mobile Home Residential District (5,000 square foot lot)

R-P Residential - Professional

R-4 High Density Residential District (4,950 square foot lot)

2. Trade and Services Districts

B-1 Limited Trade and Services District

B-2 General Trade and Services District

B-3 Central Business District

PB Planned Business Districts

3. Industrial Districts

M-1 Light Industrial District

M-2 Medium Industrial District

M-3 Heavy Industrial District

4. Hospital Medical District

H-M Hospital-Medical District

5. F-H Flood Hazard District

ARTICLE V

PROVISION FOR OFFICIAL ZONING MAP

Section A. The City of Dyersburg is divided into fifteen (15) zones or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

Section B. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Recorder, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Article IV, Section B. of Ordinance Number ____ of the City Dyersburg, Tennessee," together with the date of the adoption of the ordinance.

Section C. If, in accordance with the provisions of this Ordinance and Tennessee Code Annotated, Sections 13-7-203 and 13-204, changes or amendments are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Aldermen, together with an entry on the Official Zoning Map as follows: "On _(date)_____ by official action of the City Aldermen, the following change(s) were made on the Official Zoning Map; (brief 8

description of nature of change)," which entry shall be signed by the Mayor and attested by the City Recorder.

Section D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided herein.

Section E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the City Hall and shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the city.

Section F. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Board may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Recorder and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted April 4, 1946, as part of the Zoning Ordinance of the City of Dyersburg, Tennessee."

ARTICLE VI

RULES FOR INTERPRETATION AND APPLICATION OF DISTRICT BOUNDARIES

Section A. Rules Where Uncertainty May Arise:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley line, the street or alley shall be construed to be the boundary of the district.
2. Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
3. In any unsubdivided property, the district boundary lines on the District Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.
4. Where property on one side of the street between two streets intersecting therewith is in the B-1, B-2, or M-1, or M-2 Districts and the property on an intersecting street is in a Residential District except the corner, the boundary between the districts shall be the rear line of the corner lot having frontage on the street which is in the commercial or industrial district. Any property in the rear thereof, having frontage of the side street, which street is wholly or in part in 9

a dwelling district shall be governed by the dwelling district regulations.

5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered above, the Board of Zoning Appeals shall interpret the district boundaries.

Section B. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as herein after provided.

Section C. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

Section D. No building or structure shall hereafter be erected or altered:

1. to exceed the height;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area; or
4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

Section E. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section F. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section G. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

ARTICLE VII

R-1 (LOW DENSITY RESIDENTIAL) DISTRICT (9,000 SQUARE FOOT LOT)

Section A. Purpose

To permit single family dwellings on lots of not less than 9,000 square feet in area, and other selected uses in the R-1 District.

Section B. Uses Permitted

1. Single Family Dwellings;
2. Manufactured Residential Dwellings, as defined in Article III and subject to the provisions of Article XXIII, Section M. of this Ordinance.
3. Parks, recreation, golf courses and country clubs;
4. Public buildings and churches;
5. Utility wire and pipelines, railroad and street rights-of-way; 10

6. Home occupations;
7. Temporary construction buildings;
8. Schools;
9. Accessory buildings;
10. Agricultural uses, but not to include any type of processing;
11. Identification signs;
12. Real estate signs.

Section C. Uses Prohibited.

Any use not specifically permitted in Section B. above.

Section D. Minimum Area Regulations.

1. Lot Area: 9,000 square feet
2. Lot Width: 75 feet at the front building line.
3. Building Line Setbacks:
 - a. Front Street Line 40 feet
 - b. Side Yard Line 15 feet
 - c. Side Street Line 30 feet
 - d. Rear Yard Line 30 feet

Section E. Height Regulations Maximum.

Three stories and/or 35 feet in height.

Section F. Parking and Loading Space Regulations.

Adequate off-street loading and parking space shall be required for permitted uses in accordance with Article XXIII, Section B.

ARTICLE VIII

**R-1A (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL) DISTRICT
(7,500 SQUARE FOOT LOT).**

Section A. Purpose.

To permit single family dwelling on lots of not less than 7,500 square feet in area, and other selected uses in the R-1A district.

Section B. Uses Permitted.

1. Single family dwellings;
2. Manufactured Residential Dwellings, as defined in Article III and subject to the provisions of Article XXIII, Section M. of this Ordinance.
3. Parks, recreation, golf courses and country clubs;
4. Public buildings and churches;
5. Utility wire and pipelines, railroad and street rights-of-way;
6. Home occupations;
7. Temporary construction buildings;
8. Schools;
9. Accessory buildings;
10. Agricultural uses, but not to include any type of processing;
11. Identification signs;
12. Real estate signs. 11

Section C. Uses Permissible on Appeal.

Any use not specifically permitted in Section B. above.

Section D. Minimum lot regulations.

1. Lot Area: 7,500 square feet
2. Lot Width: 60 feet at the front building line
3. Building Line Setbacks:
 - a. Front Street Line 30 feet
 - b. Side Yard Line 10 feet
 - c. Side Street Line 22.5 feet
 - d. Rear Yard Line 30 feet

Section E. Height Regulations Maximum.

Three stories and/or 35 feet in height.

Section F. Parking and Loading Space Regulations.

Adequate off-street loading and parking space shall be required for permitted uses accordance with Article XXIII, Section B.

ARTICLE IX

R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT

Section A. Purpose.

To permit single-family dwellings on lots of not less than 7,500 square feet in area, semi-detached dwellings and duplexes on lots of not less than 9,500 square feet in area, and other selected uses.

Section B. Uses Permitted.

1. Single Family Detached Dwellings
2. Manufactured Residential Dwellings, as defined in Article III and subject to the provisions of Article XXIII, Section M of this Ordinance.
3. Patio House Dwellings
4. Two-Family Dwellings (Duplex)
5. Semi-Detached Dwellings (Zero Lot Line/2 units max.)
6. Single-Family Attached Dwellings (Zero Lot Line Condos)
7. Townhouse Dwellings
8. Multi-Family Dwellings
9. Parks, recreation, golf courses and country clubs;
10. Public buildings and churches;
11. Utility wire and pipelines, railroad and street rights-of-ways;
12. Home occupations;
13. Temporary construction buildings;
14. Schools;
15. Accessory buildings;
16. Agricultural uses, but not to include any type of processing;
17. Identification signs;
18. Real estate signs.

Section C. Uses Permissible on Appeal.

Nursing, convalescent, rest and funeral homes as a matter of right, 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.

Section D. Uses Prohibited.

Any use not specifically permitted or permissible on appeal in Sections B. and C. above.

Section E. Minimum Area Regulations.

1. Lot Area:

- a. Single-family Detached Dwellings, Patio House Dwellings 7,500 square feet
- b. Two-family dwellings 9,500 square feet
- c. Semi-detached dwellings 4,750 square feet
- d. Multi-family Dwellings, Attached Dwellings, Townhouse Dwellings 7,500 square feet for the first dwelling unit plus 2,000 square feet for each additional unit.

2. Lot Width: 60 feet at the front building line.

3. Building Line Setbacks:

- a. Front Street Line 30 feet
- b. Side Yard Line (non-attached side) 10 feet
- c. Side Street Line 22.5 feet
- d. Rear Yard Line 30 feet

Section F. Height Regulations Maximum.

Three (3) stories and/or 35 feet in height.

Section G. Parking and Loading Space Regulation.

Adequate off-street loading and parking space shall be required for permitted uses and uses permitted on appeal in accordance with Article XXIII, Section B.

Section H. Site Plan Review Requirements.

Prior to the issuance of a building permit for the construction of any multi-family dwelling or for the location of any Use Permitted on Appeal, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII Section O, of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Dyersburg Municipal-Regional Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agent shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE X

R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT 13

Section A. Purpose.

To permit single-family dwellings on lots of not less than 5,000 square feet in area, multiple-family dwellings on lots not less than 6,500 square feet in area, and other selected uses.

Section B. Uses Permitted.

1. Single Family Detached Dwellings
2. Manufactured Residential Dwellings, as defined in Article 300 and subject to the provisions of Article XXIII, Section M. of this Ordinance.
3. Patio House Dwellings
4. Two-Family Dwellings (Duplex)
5. Semi-Detached Dwellings (Zero Lot Line/2 units max.)
6. Single-Family Attached Dwellings (Zero Lot Line Condos)
7. Townhouse Dwellings
8. Multi-Family Dwellings
9. Parks, recreation, golf course, and country clubs;
10. Public buildings and churches;
11. Utility wire and pipelines, railroad and street rights-of-way;
12. Home Occupations;
13. Temporary construction buildings;
14. Schools;
15. Accessory buildings;
16. Agricultural uses, but not to include any type of processing;
17. Identification Signs; and
18. Real Estate Signs;

Section C. Uses Permissible on Appeal.

Nursing, convalescent, rest, and funeral homes as a matter of right, 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 permits 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.

Section D. Uses Prohibited.

All uses not specifically permitted or permissible on appeal in Sections B. and C. above.

Section E. Minimum Area Regulations.

1. Lot Area:
 - a. Single-family Detached Dwellings, Patio House Dwellings 5,000 square feet
 - b. Two-family Dwellings 6,500 square feet
 - c. Semi-detached dwellings 3,250 square feet
 - d. Multi-family Dwellings, Attached Dwellings, Townhouse Dwellings 5,000 square feet for the first dwelling unit plus 1,500 square feet for each additional unit.
2. Lot Width: 50 feet at the front building line. 14

3. Building Line Setbacks
 - a. Front Street Line 20 feet
 - b. Side Yard Line (non-attached side) 10 feet
 - c. Side Street Line 15 feet
 - d. Rear Yard Line 20 feet

Section F. Height Regulations Maximum.

Three stories and/or 35 feet in height.

Section G. Parking and Loading Spaces Regulations.

Adequate off-street loading and parking space shall be required for permitted uses and uses permitted on appeal in accordance with Article XXIII, Section B.

Section H. Site Plan Review Requirements.

Prior to the issuance of a building permit for the construction of any multi-family dwelling or for the location of any Use Permitted on Appeal, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O., of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Dyersburg Municipal-Regional Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agent shall be made prior to the issuance of a building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XI

R-3 MH (MOBILE HOME RESIDENTIAL) DISTRICT

Section A. Purpose.

To prevent the location of mobile homes on individual lots of less than 5,000 square feet in area, and to allow development of a full range of housing options: single-family, duplex, townhouse, condominium, and other attached and detached dwellings.

Section B. Uses Permitted.

1. Single Family Detached Dwellings, including mobile homes on individual lots
2. Manufactured Residential Dwellings, as defined in Article III and subject to the provisions of Article XXIII, Section M. of this Ordinance.
3. Patio House Dwellings
4. Two-Family Dwellings (Duplex)
5. Semi-Detached dwellings (Zero Lot Line/2 units max.)
6. Single-Family Attached Dwellings (Zero Lot Line Condos)
7. Townhouse Dwellings
8. Multi-Family Dwellings
9. Parks, recreation, golf course, and country clubs;
10. Public buildings and churches.
11. Utility wire and pipelines, railroad and street rights-of-way.
12. Home Occupations
13. Temporary construction buildings;
14. Schools;
15. Accessory Buildings
16. Agricultural uses, but not to include any type of processing;
17. Identification signs; and
18. Real estate signs. 15

Section C. Uses Prohibited.

All uses not specifically permitted.

Section D. Minimum Area Regulations.

1. Lot Area

- a. Individual mobile homes, Single-family Detached Dwellings, Patio House Dwellings 5,000 square feet
- b. Two-family Dwellings 6,500 square feet
- c. Semi-detached dwellings 3,250 square feet
- d. Multi-family Dwellings, Attached Dwellings, Townhouse Dwellings 5,000 sq. ft. for the first dwelling unit plus 1,500 square feet for each additional unit.

2. Lot Width 50 feet at the front building line.

3. Building Line Setbacks

- a. Front Street Line 20 feet
- b. Side Yard Line (non-attached side) 10 feet
- c. Side Street Line 15 feet
- d. Rear Yard Line 20 feet

Section E. Other Minimum Regulations.

1. All mobile homes are required to be permanently located on a lot of record and underpinned completely on all sides, with masonry construction, thereby becoming a part of the real estate upon which they are located. This also includes adequate tie down bracing.
2. All utilities must be permanently and individually connected and metered in compliance with all city codes.

Section F. Parking Regulations.

Adequate off-street parking and loading/unloading space shall be required for all uses in accordance with Article XXIII, Section B.

Section G. Site Plan Review Requirements.

Prior to the issuance of a building permit for the construction and/or operation of any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agents shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XII

R-P (RESIDENTIAL-PROFESSIONAL) DISTRICTS.

Within RP (Residential-Professional) Districts, as shown on the Zoning Map of Dyersburg, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads):

The Residential-Professional District is intended for use in those areas of Dyersburg experiencing transition from exclusively residential usage. This district allows certain 16

uses to be established that are determined not to be intrusive or detrimental to the residential character of these areas, but instead allow for redevelopment of former residential structures into service and professional uses that can successfully mix with existing development. Commercial establishments are not allowed, but only those uses determined to preserve the overall residential character of an area while allowing acceptable redevelopment. The district also will serve as a buffer between commercial sections of the City and those areas still exclusively residential.

Section A. Uses Permitted.

1. Single Family Detached Dwellings, Patio House Dwellings
2. Manufactured residential dwellings as defined in Article III, and subject to the provisions of Article XXIII, Section M. of this Ordinance.
3. Multi-Family Dwellings, Semidetached Dwellings, Attached Dwellings, Two Family Dwellings, Townhouses;
4. Finance, Insurance and Real Estate Services excluding banking and bank related functions and credit services.
5. Professional services excluding sanitariums, convalescent, and rest home services.
6. Accessory Buildings or uses customarily incidental to any aforementioned permitted use.
7. 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.

Section B. Uses Permitted on Appeal.

Within the R-P Districts, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either an arterial street or a collector street on the recorded Dyersburg Major Road Plan, and that requirements set forth in this Section of the Ordinance are met:

1. Cemeteries;
2. Religious Activities;
3. Welfare and Charitable Services;
4. Nursery, Primary, Secondary, University, College, Junior College, Professional Education Services;
5. Group Quarters;
6. Cultural Activities;
7. Utilities;
8. Customary General Farming Uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels;
9. Home occupations;
10. Accessory Buildings or Uses customarily incidental to the aforementioned use.
11. The Board of Zoning Appeals may attach such conditions to any permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the neighborhood 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.

Section C. Uses Permitted.

Any use not specifically permitted or permissible on appeal in this Article is prohibited. 17

Section D. Location of Accessory Buildings.

1. No accessory building shall be erected in any required front or 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 lot.
2. Accessory buildings or corner lots shall conform with front yard setbacks for both intersecting streets.

Section E. Procedures.

1. All residential uses in this district, other than single-family, shall be subject to site plan review under the provisions of Article XXIII, Section O of this Ordinance.
2. Before a permit is issued for any non-residential permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.

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

The principal building shall be located so as to comply with the following requirements.

1. Minimum required lot area
 - a. Single family detached dwellings, Patio House dwellings 5,000 sq. ft.
 - b. Two Family dwellings 6,500 sq. ft.
 - c. Semi-detached dwellings 3,250 sq. ft. per unit
 - d. Multi-family dwellings, Attached Dwellings, Townhouse Dwellings 5,000 sq. ft. for the first dwelling unit plus 1,500 sq. ft. for each additional unit.
 - e. Places of worship 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
 - f. Schools Five (5) acres for the first two hundred students plus one acre for each additional 200 students or fraction of 200 students for which the facility is designed.
 - g. All other uses As required by the Board of Zoning Appeals.
2. Minimum Lot Width
 - a. Single family detached dwellings Patio House dwellings 50 feet
 - b. Multi-family Dwellings 60 feet
 - c. Semi-detached dwellings, Attached dwellings, Two-family dwellings, Townhouse Dwellings Exterior lot width 80 feet Interior lot width As determined by the Planning Commission
 - d. Schools 300 feet
 - e. All other uses As required by the Board of Zoning Appeals.
3. Minimum required front yard
All uses 30 feet
4. Minimum required rear yard
All uses 20 feet
5. Minimum required side yard
All Uses 10 feet 18

6. Maximum lot coverage by all buildings

a. All Residential Uses 35%

b. Other uses 30%

7. Maximum permitted height of structures

No building shall exceed three stories or 35 feet in height.

ARTICLE XIII

R-4 (HIGH DENSITY RESIDENTIAL) DISTRICT

(4,950 SQUARE FEET).

Within the areas designed R-4 (High Density) on the Zoning Map of the City of Dyersburg, Tennessee, the following provisions shall apply:

Section A. Intent

The R-4 Residential District is intended to provide suitable areas for high density, single-family residential development. The specific intent of this district is to provide for zero lot line development with the required provision of one side yard as set forth in this Section. Mobile homes are specifically prohibited within this district. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwelling related facilities.

Section B. Uses Permitted

1. Single-family dwellings.

2. Accessory buildings customarily incidental to the permitted use.

Section C. Uses Permitted on Appeal

1. None

Section D. Uses Prohibited

1. Any uses in this section, not specifically permitted, shall be prohibited.

Section E. Minimum Lot Area.

1. Single-family, detached dwellings 4,950 square feet

Section F. Minimum Lot Width Measured at the Building Line.

1. Single-family dwellings Forty-five (45) feet

Section G. Minimum Depth of Front Yard

1. Single-family dwellings Twenty-five (25) feet

Section H. Minimum Width of Side Yards

1. Single-family dwellings: On one side of a lot, it shall be required that the principal structure shall abut the side lot line, however, in no instance, shall two principal structures either abut each other or locate on the same lot line. On the opposite side of the lot, there shall be a minimum side yard of fifteen (15) feet from every lot. However, on corner lots, the principal structure shall not be located on either lot line and shall observe a required ten (10) foot side yard on each side. Patios decks, and other such unenclosed structure will be permitted within the required side yard provided that the same shall not extend more than ten (10) feet within the required side yard or in any manner encroach within the required maintenance easement. 19

Section I. Minimum Depth of Rear Yard

1. Single-family dwelling Twenty-five (25) feet

Section J. Maximum Lot Coverage by all Buildings

1. Single-family dwelling Thirty-five (35) percent

Section K. Accessory Building

Accessory buildings shall meet the following requirements:

1. No accessory building shall be utilized for human occupation.
2. No accessory building shall extend into the required front or side yard.
3. Accessory buildings may extend into the rear yard and shall be located a distance from the rear property line equal to the height of the structure.
4. Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

Section L. Required Maintenance Easement

A maintenance easement of five (5) feet located within the required fifteen (15) foot side yard shall be required and shall be maintained without obstruction, provided that a fence or portion of a fence may extend into the required maintenance easement provided that it shall not abut, block, or otherwise inhibit access to that side of the neighboring principal structure required to abut the side lot line.

Section M. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction of and/or operation of any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agent(s) shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

Section N. Off-Street Parking

There shall be adequate off-street parking for each permitted use consisting of 400 square feet of on-site, paved parking located within the front side yard of each lot.

ARTICLE XIV

B-1 (LIMITED TRADE AND SERVICES) DISTRICT

Section A. Purpose

To permit business uses designated as local neighborhood trades and services and certain residential uses; and to exclude certain other trades, services and industrial uses in the B-1 District.

Section B. Uses Permitted

1. Single and multiple family dwellings and apartments.
2. Parks, recreation, golf courses, lodges, and country clubs.
3. Public buildings and churches.
4. Utility wire and pipelines, railroad and street right-of-way.
5. Home Occupations. 20

6. Temporary construction buildings.
7. Schools.
8. Agricultural uses, but not to include any type of processing.
9. Retail sales limited to: grocery, drug, and hardware stores, meat or fruit markets, gasoline service stations, restaurants (indoor service), barber or beauty shops, shoe repair shops, laundry or dry cleaning establishments and bakeries which sell their products at retail directly from the premises.
10. Personal, professional, and medical services.
11. Identification, real estate.
12. Parking lots.
13. Mobile Home Parks.
14. Accessory buildings.

Section C. Uses Prohibited

1. Drive-in eating facilities serving customers in automobiles.
2. Any use (except parking lots) not entirely enclosed within a building.
3. Industrial uses.
4. Building, supply, repair and maintenance services.
5. Construction companies.
6. Utility maintenance and storage yards and buildings.
7. Mobile home sales.
8. Automobile sales and repairs.
9. Any uses which shall be carried on in such manner as to produce offensive noise, dirt, odor, glare, or heat outside the property lines of the lot occupied by such use.

Section D. Minimum Area Regulations

1. Lot Area 5,000 square feet for trade and services and other uses.
 - a. Single family residential and mobile homes 5,000 square feet for residential uses.
 - b. Multi-family dwellings and apartments 5,000 square feet for the first dwelling plus 1,500 square feet for each additional dwelling.
2. Lot Width: 50 feet at the front building line.
3. Building line setbacks:
 - a. Front Street line 30 feet
 - b. Side Yard line 10 feet, provided that on lots adjacent to a residential zone, all buildings shall be located so as to conform with side yard requirements of the adjacent residential zone.
 - c. Side Street Line 25 feet
 - d. Rear Yard Line 20 feet
 - e. Posts that support canopies covering gasoline pumps associated with a permitted automobile service station must be located a minimum of 15 feet from the front property line.
4. Density 1,500 square feet of land per dwelling unit; Mobile Home, refer to the Mobile Home Park Ordinance.

Section E. Height Regulations Maximum

Three stories and/or 35 feet in height.

Section F. Parking and Loading Space Regulations 21

Adequate off-street loading and parking spaces shall be required for permitted uses and uses permitted on appeal in accordance with Article XXIII, Section B.

Section G. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction and/or operation for any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agent(s) shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XV

B-2 (GENERAL TRADE AND SERVICES) DISTRICT

Section A. Purpose

To permit a wide range of highway business uses and to exclude industrial uses in the B-2 District.

Section B. Uses Permitted

1. Single and multiple family dwellings and apartments;
2. Parks, recreation, golf courses, lodges and country clubs;
3. Public buildings and churches;
4. Utility wire and pipelines, railroad and street rights-of-way;
5. Home occupations;
6. Temporary construction buildings;
7. Schools;
8. Agricultural uses, but not to include any type of processing;
9. All other retail business;
10. Personal, professional, and medical services;
11. Drive-in facilities serving customers in automobiles;
12. Wholesale sales;
13. Building improvement products, repairs, and maintenance services; lumber yards;
14. Parking lots;
15. Hotels, motels;
16. Printing, publishing
17. Mobile home sales;
18. Identification, real estate, and advertising signs;
19. Mobile home parks;
20. Accessory buildings;

Section C. Uses Prohibited

1. Assembly or processing and finishing of materials for sale.
2. Any activity not entirely conducted in an enclosed building, except for automobiles, trailer, mobile home, and nursery product sales, farm implements, outdoor recreational facilities, parking lots, and advertising signs.
3. Any use which shall be carried on in such a manner as to produce offensive noise, dirt, odor, glare, or heat outside the property lines of the lot occupied by such use. 22

Section D. Minimum Area Regulations

1. Lot Area 5,000 square feet for trade and services and other uses.
 - a. Single-family residential and mobile homes 5,000 square feet for residential uses.
 - b. Multi-family dwellings and apartments 5,000 square feet for the first dwelling plus 1,500 square feet for each additional dwelling.
2. Lot Width 50 feet at the front building line.
3. Building Line Setbacks
 - a. Front Street Line 40 feet
 - b. Side Yard Line None required, however, if buildings do not have a common or adjoining wall there shall be a side yard of at least five (5) feet. 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.
 - c. Side Street Line 25 feet
 - d. Rear Yard Line 20 feet
 - e. Posts that support canopies covering gasoline pumps associated with a permitted automobile service station must be located a minimum of 15 feet from the front property line.
4. Density 1,500 square feet of land per dwelling unit; Mobile Home, refer to the Mobile Home Park Ordinance.

Section E. Height Regulations Maximum

Three stories and/or 35 feet in height.

Section F. Parking and Loading Space Regulations

Adequate off-street loading and parking spaces shall be required for permitted uses and uses permitted on appeal in accordance with Article XXIII, Section B.

Section G. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction of and/or operation of any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agent(s) shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XVI

B-3 (CENTRAL BUSINESS) DISTRICT

Section A. Purpose

To permit a wide range of intensive retail trade and services, governmental uses, and others that are favorable to the development of the Central Business District as a trade and governmental center, to continue exceptions for parking and set-backs, and to allow expansions of the existing Central Business District into the surrounding contiguous area as the need arises. 23

Section B. Uses Permitted

1. Apartments.
2. Retail Sales: Bakery and dairy products; drugs and pharmaceutical; florist shops; gift shops; book stores; liquor stores; groceries; hardware; clothing and dry goods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; tires; jewelry stores; cloth shops; musical instruments; records and phonographs; motorcycle and bicycle sales and service; department stores and general merchandise; and variety stores.
3. Services: banks, savings and loan associations; barber shops; beauty shops; laundry and dry cleaning pick up station; self-service laundry and dry cleaning; printing; business and professional offices; radio and television sales and services; shoe repair; hotels and motels; restaurants; photography studios; upholstery shops; commercial recreation, movie theaters and billiard parlors; commercial schools, music schools; beauty and barber schools; dancing schools; tailoring and dressmaking; watch repair and bus passenger station.
4. Churches; clubs and lodge halls; federal, state and municipal uses.
5. Any accessory use or building customarily incidental to the above permitted uses.

Section C. Uses Prohibited

1. Any use not specifically permitted in this section.
2. Any use which shall be carried on in such manner as to produce offensive noise, dirt, odor, glare, or heat outside the property lines of the lot occupied by such use.

Section D. Minimum Area Regulations

1. Lot Area None
2. Lot Width None
3. Lot Depth None
4. Building Line Set-Backs
 - a. Front Street line None
 - b. Side Yard Line None, but if such exists, it must be at least five (5) feet.
 - c. Side Street Line None
 - d. Rear Yard Line 20 feet
5. Building Coverage Limited to area within required building setbacks.

Section E. Height Regulations Maximum

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.

Section F. Parking and Loading Space Regulations

Before any action is taken upon any application as provided in this Section, either by the Dyersburg Municipal Planning Commission or the Board of Mayor and Aldermen, the applicant shall deposit with the Dyersburg Municipal Planning Commission the fee prescribed by the Board of Mayor and Aldermen to cover the approximate cost of the procedure and the Commission shall then deposit this amount with the City Recorder where it shall be credited to the General Revenue fund of the City. The failure of either the Planning Commission or the Board of Mayor and Aldermen to approve the change shall not be construed as any reason for refunding the deposit to the applicant. 24

ARTICLE XVII
PB (PLANNED BUSINESS) DISTRICT
(FORMERLY INTERMEDIATE BUSINESS B-4)

Section A. Purpose

To permit the development of business uses in areas of the city where additional site development controls are necessary because of the character of the area are the compatibility of the proposed uses with existing adjacent uses or zoning districts.

Section B. Procedures

1. Before a permit is issued for any use permitted by right or on appeal the site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
2. In order that the Planning Commission or its designated agent(s) may make an accurate determination of the character of the proposed use the applicant shall submit an accurately and legible drawn site plan showing proposed buildings, parking and access facilities, use or proposed buildings, landscaping, location and general design of outdoor advertising, and the front (street) elevation of proposed buildings. The Planning Commission or its designated agent(s) may make other reasonable requirements for information when necessary.

Section C. Uses Permitted

1. Retail Sales: bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book store; groceries; hardware; clothing and dry goods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and phonographs, motorcycle and bicycle sales and service; department stores and general merchandise; and, variety stores; automobile sales and service accessory thereto, mobile home sales, and automobile service stations.
2. Wholesale Sales.
3. Services: banks, savings and loan associations; barber shops; beauty shops, laundry and dry cleaning pickup stations, self-service laundry and dry cleaning; business and professional offices; radio and television sales and service; shoe repair; hotels and motels; restaurants; photography studios; movie theaters; tailoring and dressmaking; and, watch repair, printing and publishing.
4. Churches, clubs and lodge halls; federal, state and municipal uses.
5. Outdoor advertising; advertising the product, name or service of the firm on the same lot, but not including independent billboards or advertising signs.
6. Any accessory use or building customarily incidental to the above permitted uses.
7. Any other use, which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the district.
8. Mini-Storage warehouses.
9. Telecommunication Towers upon site plan review by the Planning Commission and in accordance to the terms of this ordinance.

Section D. Uses Prohibited

1. Any use not specifically permitted or permissible by terms of this section.

Section E. Minimum Area Regulations

1. Lot Area 20,000 square feet
 - a. Dwelling Units 1,500 square feet per dwelling unit, not including land occupied by commercial uses in the same or a separate building on the same lot, or land occupied by parking, loading or access required by commercial uses on the same lot.
 - b. Churches Two (2) acres
 - c. All other uses 20,000 sq. ft.
2. Lot Width 50 feet at the front building line.
3. Building Line Set-Backs
 - a. Front Street Line 50 feet
 - b. Side Yard Line 20 feet
 - c. Side Street Line 25 feet
 - d. Rear Yard Line 25 feet
 - e. Posts that support canopies covering gasoline pumps associated with a permitted automobile service station must be located a minimum of 15 feet from the front property line.
4. Lot Frontage 100 feet

Section F. Height Regulations Maximum

No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum 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. Free standing poles, spires, towers, antennae and similar structures neither designed nor 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 set back so that the tower, its guide wires, or any part there of meets the required building line setbacks for the PB zone. Site plan approval is required and the tower structural plans must be reviewed by the City Engineer.

Section G. Parking and Loading Space Regulations

1. Adequate off-street loading and parking space to be provided in accordance with Article XXIII, Section B. or as specified by the Planning Commission.

Section H. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction and/or operation for any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission or its designated agent(s) shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg. 26

ARTICLE XVIII

M-1 (LIGHT INDUSTRIAL) DISTRICTS

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

Section A. Uses Permitted

1. Manufacturing, Processing and/or Fabrication
2. Warehousing and Distribution
3. Research Labs
4. Governmental Uses
5. Corporate Office Complexes
6. Accessory uses incidental to the aforementioned permitted uses
7. Telecommunication Towers upon site plan review by the Planning Commission and in accordance to the terms of this ordinance.

Section B. Uses Permitted on Appeal

None

Section C. Uses Prohibited

1. Retail and Wholesale Sales
2. Any use permissible or permissible on appeal in the residential, business, or hospital zones.
3. The manufacture, processing, storage, or disposal of any hazardous substance, waste or by-products. This shall not be construed to prohibit any processing operation in which hazardous substances, are necessary for the manufacture of a non-hazardous end product without production of any additional hazardous wastes.

Section D. Procedures

1. Before a permit is issued for any permitted use, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use of existing nearby uses.
2. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, seven (7) days prior to the regular meeting, at a scale of not less than 100 feet to 1 inch, illustrating the proposed development including, but not limited to the following:
 - a. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities easements, streets and roadways, rail right-of-way; and public rights-of-way crossing and adjacent to the subject property;
 - b. location, size, and arrangement of the proposed building and existing building which will remain, including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings;
 - c. the proposed use of buildings;
 - d. location, dimensions, and number of all vehicular and pedestrian circulation elements including driveways, entrances, driving aisles, sidewalks, and parking spaces; 27

- e. any proposed regrading of the site and any significant natural, topographical or physical features of the site including, at least, water courses and trees;
- f. existing and proposed surface and subsurface drainage facilities; and
- g. location, size and arrangement of all outdoor signs and lighting.

Section E. Regulations Controlling Lot Area, Yards, and Building Height

1. Minimum required lot area: All Uses 2 acres
2. Minimum required lot width 200 feet
3. Minimum required front yard All Uses 100 feet
4. Minimum required rear yard All Uses 50 feet
5. Minimum required side yard All Uses 50 feet

Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

6. Maximum permitted height of structures.

(a) Review of any proposal to go beyond 75 feet in height should be only after review of the Planning Commission, City Engineer, Fire Chief and Building Department.

(b) Any such tower should be located a distance of its height plus 10 feet from the property line.

(c) It should be demonstrated that no detriment to the public good would be a result of such a tall structure. This should include both employees and the general public.

(d) The structure shall be built to meet all specifications contained in appropriate and applicable codes enforced by the City.

(e) Appropriate means for the fire protection shall be in place as certified by the Fire Chief. Any such structure for human habitation shall be of fire proof construction, be designed to provide a means of escape for all personnel in the event of a fire, provide evidence that appropriate fire control apparatus or systems are installed in the satisfaction of the Fire Chief and in accordance with all codes.

(f) The structures will be located so as to insure that in the event of a catastrophe that it would not serve as a threat or a danger to adjoining properties.

(g) The structure shall be designed in conformance with standard engineering techniques as approved by the City Engineer.

Section F. Parking and Loading Space Regulations

Adequate off-street loading and parking space for permitted uses in accordance with Article XXIII, Section B.

Section G. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction and/or operation of any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg. 28

ARTICLE XIX

M-2 (MEDIUM INDUSTRIAL) DISTRICT

Section A. Purpose

To permit a wide range of light industrial and other uses, and to prohibit those industries that produce excessive smoke, dust, glare, odor, gases, or noise in the M-1 District.

Section B. Uses Permitted

1. Preparation of food products; bottling plants
2. Warehousing
3. Assembly, and finishing of materials or products
4. Transfer and transportation terminals
5. Accessory buildings
6. Telecommunication Towers upon site plan review by the Planning Commission and in accordance to the terms of this ordinance.

Section C. Uses Prohibited

1. Processing of raw materials.
2. All uses permitted in Residential and Business Districts.
3. Assembly, processing, and finishing of materials or products not conducted in enclosed buildings.
4. Any use that produces excessive smoke, dust, odor, glare, gases, or noise.
5. The manufacture, processing, storage, or disposal of any hazardous substance, waste or by-products. This shall not be construed to prohibit any processing operation in which hazardous substances are necessary for the manufacture of an non-hazardous end product without production of any additional hazardous wastes.

Section D. Minimum Area Regulations

1. Lot Area No minimum
2. Lot Width 100 feet at the front building line
3. Building Line Set-backs
 - a. Front Street Line 35 feet
 - b. Side Yard Line 20 feet except that the requirement shall be 50 feet when abutting a residential district
 - c. Side Street Line 20 feet
 - d. Rear Yard Line 30 feet

Section E. Height Regulations Maximum

1. Review of any proposal to go beyond 75 feet in height should be only after review of the Planning Commission, City Engineer, Fire Chief and Building Department.
2. Any such tower should be located a distance of its height plus 10 feet from the property line.
3. It should be demonstrated that no detriment to the public good would be a result of such a tall structure. This should include both employees and the general public.
4. The structure shall be built to meet all specifications contained in appropriate and applicable codes enforced by the City.
5. Appropriate means for the fire protection shall be in place as certified by the Fire Chief. Any such structure for human habitation shall be of fire proof construction, be designed to provide a means of escape for all personnel in the event of a fire, 29

provide evidence that appropriate fire control apparatus or systems are installed in the satisfaction of the Fire Chief and in accordance with all codes.

6. The structures will be located so as to insure that in the event of a catastrophe that it would not serve as a threat or a danger to adjoining properties.

7. The structure shall be designed in conformance with standard engineering techniques as approved by the City Engineer.

Section F. Parking and Loading Space Regulations

Adequate off-street loading and parking space for permitted uses in accordance with Article XXIII, Section B.

Section G. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction and/or operation of any Use Permitted by right or any use permitted by Special Exception within this district, a site plan which is in full compliance with Site Plan Review requirements as set forth in Section _____ of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XX

M-3 (HEAVY INDUSTRIAL) DISTRICT

(FORMERLY M-2)

Section A. Purpose

To permit a wide range of heavy industrial uses and certain uses which are excluded in more restrictive districts, in the M-2 District.

Section B. Uses Permitted

1. All of the uses permitted in the Light Industrial District in Article XVIII, Section A.
2. Production and treatment of raw materials.
3. Business or industry requiring outdoor activity or storage, including utility or government maintenance yards.
4. All other industrial activities not allowed in more restrictive districts.
5. Accessory buildings.
6. Junk yards, provided that written approval is granted by the Board of Zoning Appeals shall require screening the in the form of an opaque fence or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.
7. Telecommunication Towers upon site plan review by the Planning Commission and in accordance to the terms of this ordinance.

Section C. Uses Prohibited

1. All of the uses permitted in the residential and Business District sections.
2. Any use that involves hazardous substances, waste, or by-products, produces excessive smoke, dust, odor, gases, or noise. This shall not be construed to prohibit any processing operation in which toxic and hazardous substances are necessary for the manufacture of a non-hazardous end product without production of additional hazardous wastes.

Section D. Uses Permitted by Exception

1. The Board of Appeals may authorize an exception in the M-3 District for a specific industry or use that involves the manufacture, processing or storage of hazardous substances, waste or by-products; produces excessive smoke, dust, odor, gases, or noise upon the following conditions:

- a. Proper application to the Board under Article XXV of this Ordinance.
- b. All necessary federal and state operating permits, licenses, forms, and bonds for the proposed activity and/or facility have been obtained prior to appearing before the Board and evidence of such being submitted at the time of the hearing.
- c. If applicable, the Board has determined through the Director of Public Works or the Tennessee Department of Public Health that the proposed use will not adversely impact the waste water treatment system, or waters as specified under the Water Quality Control Act of 1977, as amended.

Section E. Minimum Area Regulations

1. Lot Area No minimum
2. Lot Width 100 feet at the front building line
3. Building Line Setbacks
 - a. Front Street Line 35 feet
 - b. Side Yard line 20 feet except that the requirement shall be 50 feet when abutting a residential district.
 - c. Side Street line 20 feet
 - d. Rear Yard Line 30 feet

Section F. Height Regulations Maximum

1. Review of any proposal to go beyond 75 feet in height should be only after review of the Planning Commission, City Engineer, Fire Chief and Building Department.
2. Any such tower should be located a distance of its height plus 10 feet from the property line.
3. It should be demonstrated that no detriment to the public good would be a result of such a tall structure. This should include both employees and the general public.
4. The structure shall be built to meet all specification contained in appropriate and applicable codes enforced by the City.
5. Appropriate means for the fire protection shall be in place as certified by the Fire Chief. Any such structure for human habitation shall be of fire proof construction, be designed to provide a means of escape for all personnel in the event of a fire, provide evidence that appropriate fire control apparatus or systems are installed in the satisfaction of the Fire Chief and in accordance with all codes.
6. The structures will be located so as to insure that in the event of a catastrophe that it would not serve as a threat or a danger to adjoining properties.
7. The structure shall be designed in conformance with standard engineering techniques as approved by the City Engineer.

Section G. Parking and Loading Space Regulations

Adequate off-street loading and parking space for permitted uses in accordance with Article XXIII, Section B. 31

Section H. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction and/or operation of any Use permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XXI

H-M (HOSPITAL-MEDICAL) DISTRICT

Section A. Purpose

To permit a wide range of medical offices, hospitals uses and related supporting medical trades and services in the HM District.

Section B. Uses Permitted

1. Hospitals for human care, offices, or clinics for medical or dental practice, clinical laboratories and public health administration offices, medical and other technical services related to human care.
2. Pharmacies devoted to the preparation and retailing of drugs, medicines, and surgical and orthopedic supplies.
3. Living quarters for doctors, nurses and interns.
4. Any use customarily incidental to the above permitted uses.
5. Accessory Uses - The sale of food, beverages, periodicals and tobacco will not be permitted except for the convenience of employees, patients and visitors within each hospital, clinic, or office buildings and provided that any advertising or such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings. Access to any room or enclosure set aside for such sales shall be from the interior of the building only.

Section C. Prohibited Uses

Any use not specifically permitted in this section.

Section D. Minimum Area Regulations

1. Lot Area
 - a. Hospitals 5 acres
 - b. Other Uses 20,000 square feet
2. Lot Width at the Front of Building Line
 - a. Hospitals No minimum
 - b. Medical or Dental Clinics No minimum
 - c. Other Uses As required by the Board of Zoning Appeals
3. Building Line Set-backs
 - a. Front Street Line 40 feet
 - b. Side Yard Line None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet.
 - c. Side Street Line 20 feet
 - d. Rear Yard Line 30 feet 32

Section E. Height Regulations Maximum

1. Three stories or thirty-five 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 feet.
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 feet in height.

Section F. Parking and Loading Space Regulations

Adequate off-street loading and parking space for permitted uses in accordance with Article XXIII, Section B.

Section G. Site Plan Review Requirements

Prior to the issuance of a building permit for the construction and/or operation of any Use Permitted within this district, a site plan which is in full compliance with site plan review requirements as set forth in Article XXIII, Section O. of the Dyersburg Zoning Ordinance shall be reviewed and approved by the Planning Commission or its designated agent(s). Any modification of said site plan required by the Dyersburg Municipal-Regional Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Dyersburg.

ARTICLE XXII

PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS

(amended June 1995)

CHAPTER 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The Dyersburg Mayor and Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Dyersburg 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; and 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. 33

Section C. Statement of Purpose

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

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

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life and health;
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;
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, street 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;
7. To ensure that potential buyers are notified that property is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

CHAPTER 2. DEFINITIONS

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

"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 flood proofed.

"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 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. 34

"Appeal" means a request for a review of the Building Official'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 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 sub grade (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", for purposes of this section, 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, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building (I) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

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

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"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 35

manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"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) and/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 the 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 Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

"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.

"Flood proofing" 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 an abnormal tidal surge, or by 36

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 one foot.

"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, next 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 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 a state inventory of historic places in 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 in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

"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 37

constructed and operated in accordance with sound engineering practices.

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

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

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by 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 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" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

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

"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 projections;
3. designed to be self-propelled or permanently tow able 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 38

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

"State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

"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 reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions 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 flood plains of coastal or riverine areas. 39

CHAPTER 3. GENERAL PROVISIONS

Section A. Application

This Chapter shall apply to all areas within the incorporated area of Dyersburg, Tennessee.

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

The areas of special flood hazard identified on the Dyersburg, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470047 0005, 470047 0010, 470047 0015; Effective Date: February 3, 1993 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Dyersburg, Tennessee Zoning Map.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Dyersburg, Tennessee from taking such other lawful actions to 40

prevent or remedy any violation.

CHAPTER 4. ADMINISTRATION

Section A. Designation of Building Official

The Building Official is hereby appointed to administer and implement the provisions of this Ordinance.

Section B. Permit Procedures

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

1. Application stage

a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*

b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*

c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Chapter 4. Section B.2, where base flood elevation data is available.*

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

* (see 2. below)

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Official shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Official) shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project. 41

Section C. Duties and Responsibilities of the Building Official

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

1. Review of all development permits to assure that the 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 Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
 4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Chapter 4. Section B.2.
 5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Chapter 4. Section B.2.
 6. When flood-proofing is utilized, the Building Official) shall obtain certification from a registered professional engineer or architect, in accordance with Chapter 4. Section B.2.
 7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official) shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 6.
 8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Official) shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Chapter.
(Optional additional requirement)
- Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Official) shall require the lowest floor of a building to be elevated or flood proofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Chapter 2 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Chapter 4. Section B.
9. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Official 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.

10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. 42

CHAPTER 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements 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 shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. 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 which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Chapter; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not extended.

Section B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Chapter 3. Section B, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Chapter 5. Section B.3.
2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be 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 43

hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official as set forth in Chapter 4. Section B.2.

3. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

i. 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;

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Chapter 5. Section B. of this Article.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

iii. In or outside of an existing or new manufactured home park or 44

subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Chapter 5. Section B.4.b.i. and ii. above.

c. All recreational vehicles placed on sites must either:

- i. Be on the site for fewer than 180 consecutive days;
- ii. Be fully licensed and ready for highway use; or
- iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Chapter 5. Section B.4.a. or b.i. and ii, above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures. In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Chapter 4. Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Section C. Standards for Areas of Special Flood Hazard Zones A1-30 and AE With Established Base Flood Elevation But Without Floodways Designated

Located within the areas of special flood hazard established in Chapter 3. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

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 Chapter 5. Section B.

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

Located within the areas of special flood hazard established in Chapter 3, Section 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 buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade. 45

2. All new construction and substantial improvements of nonresidential buildings shall:

a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

b. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

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

Located within the areas of special flood hazard established in Chapter 3. Section B. are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

1. All provisions of Chapter 4. and Chapter 5. Section A. and H. shall apply.

Section F. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in Chapter 3. Section B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. If Chapter 5. Section F. 1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Chapter 5. Section B.

Section G. Standards For Unmapped Streams

Located within Dyersburg, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill 46

material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.

2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Chapter 4. Section B.2.

Section H. Standards for Subdivision Proposals

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

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. 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.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

CHAPTER 6. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of special flood hazard.

Section A. Board of Zoning Appeals

1. The Dyersburg Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
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; 47

- 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 Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and 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 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) 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 Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE XXIII

GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS

Section A. Front Yard Setback Exception.

The front yard setback requirements of this Ordinance shall not apply to any lot in a residential district where the average depth of existing front yards on developed lots, located within 100 feet on each side of said lot, and within the same block and zoning district, and fronting on the same street as such lot, is less than the prescribed minimum 48

front yard depth. In such cases, the minimum front yard setbacks shall be determined to be the average of the existing front yard depths of those lots herein defined. In no case shall the front yard setback be less than ten (10) feet.

Section B. Parking and Loading Space Regulations

1. Definitions: For the purpose of this Ordinance certain terms and words are defined as follows:

- a. Off-Street Parking: Whenever the term "off-street parking" is herein referred to, it shall be either garaged, or paved with asphalt or portland concrete and off-street standing storage space on the same site as the building or use for which it is required, for the parking of passenger vehicles, having an area of not less than two hundred (200) square feet and a minimum width of ten (10) feet for each automobile intended to be parked thereon. Parking aisles shall have a minimum width of twenty (20) feet with necessary and adequate space for the approach, turning and exit of automobiles to a public street or alley.
- b. Parking Lot: A parking lot shall mean any land used, provided or permitted to be used for the parking of automobiles.
- c. Off-Street Loading and Unloading Space: An open hard surfaced area other than a street or a public way, the principal use of which is for standing, loading, and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

2. Off-Street Parking Requirements

- a. There shall be provided at the time of the erection of any principal building or structure or at the time any principal building or structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for ingress and egress by an automobile of standard size, in accordance with the above requirements.
- b. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of an off-street parking area similarly required for another building or use.
- c. No commercial vehicles having a capacity of more than two tons or having three or more axles shall be stored, parked, or garaged on the streets within a residential district. Also included in this amendment shall be motor homes and camping trailers.
- d. Any carrier of flammable, explosive, or other potentially dangerous materials shall not be stored, parked, or garaged within three hundred feet of a residential zone.

3. Central Business District Exception: The area known generally as the Central Business District and more particularly described as that area within the CB District, shall be exempt from supplying parking spaces as required herein. 49

Off-street loading and unloading space shall be required however for all uses within the CB District.

4. Street Access: In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contact, the following regulations shall apply.

a. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty-five (35) feet in width.

b. There shall be not more than two points of access to any one (1) public street on a lot of any 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.

c. No point of access shall be allowed within ten (10) feet of the rights-of way of any public street intersection.

d. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.

e. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance, whichever is higher.

f. Ingress and egress to required parking spaces for uses other than residential shall be via driveways so arranged that vehicles enter and depart by forward motion.

g. A vehicular curb six inches in height shall be provided parallel and two (2) feet from all property lines where paved parking areas are adjacent to a property line.

5. Parking Regulations (All Districts except B-3): Off-street parking shall be provided on the same lot as the main building in accordance with the following minimum requirements.

a. Eating Place One (1) space per 100 square feet of floor space.

b. Lodging Places One (1) space per room plus one space per 100 square feet of restaurant or meeting room floor space.

c. Medical Five (5) space for each physician or dentist.

d. Hospitals and Sanitariums One (1) space for each doctor plus one space for each two employees plus one space for each four beds.

e. Places of Assembly One (1) space for each five (5) seats of auditorium, stadium, sanctuary, or theater.

f. Offices Public, Private, or Business One (1) space for each 400 square feet of floor space.

g. Clubs and Lodges One (1) space for each 100 square feet of floor space.

h. Recreation, Amusement or Community Building One (1) space for each 100 square feet of floor space.

i. Schools One (1) space for each faculty, office, or staff member, plus one (1) space for each ten (10) auditorium or stadium seats.

j. Public Library or Museum One (1) space per 400 square feet of floor space.

k. Residential Uses Two (2) spaces for each single family dwelling, two and one-half (2 1/2) spaces for each dwelling unit in a two-family or multiple-family dwelling. In the case of a multi-family elderly or group counseling housing project, one space per dwelling.

l. Retail trade and Personal Services Uses One (1) space for each 200 square feet of floor space. 50

m. All other uses not enumerated above One (1) space for each 400 square feet of floor space.

n. Whenever any building is erected or converted for industrial, processing, manufacturing, or warehousing uses; parking space shall be provided on the same lot adequate to accommodate one (1) car for every employee of the working shift having the greatest number of employees. In addition, parking space shall be provided for trucks and other vehicles customarily used.

6. Loading and unloading space: One space with minimum dimensions of twelve (12) feet by seventy (70) feet shall be provided for truck loading and unloading for each 10,000 square feet of floor space or fraction thereof of buildings used for any use other than residential. The computation of floor space shall be made for each separate building. However, where buildings or businesses are contiguous to one another and separated by party walls, the aggregate floor space of such building may be used for computation purposes.

Section C. Screening

The City Planning Commission may recommend screening of parking lots, service areas, open storage of material and equipment, and other commercial or industrial activities not contained within a building from residential or other property where the visual appearance of such uses of land is inconsistent with the amenities of the surrounding development or is an annoyance to the adjoining land owner.

a. Such screening shall consist of a six (6) foot high solid board fence or evergreen hedge which shall be maintained in appearance.

Section D. Lighting

Any light used to illuminate signs, parking areas or buildings shall be so arranged as to reflect such light away from adjoining premises and streets.

Section E. Fences, Walls and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Section F. Dwelling Lot Must Abut Public Street

No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet except on cul-de-sacs, 40 feet.

Section G. Visibility at Street Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially impede vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the centerline grades of the intersecting streets in the area bounded by street lines of such corner lots and lines joining points along said street lines fifty (50) feet from the point of the intersection to the corner of the building on the lot nearest the intersection. 51

Section H. Sign Regulations

The sign regulations contained herein shall apply to permanent signs attached to a building or to free standing signs attached to the ground.

1. Sign Set-back: No sign shall be located within the required rear or side yards of any lot.

2. Sign Height: The height of signs shall not exceed the height regulations of the zoning district in which they are located by more than ten (10) feet.

3. Sign Projection Limits:

a. A sign attached to or mounted on a building may not extend beyond the overhang (eaves cornice, marquee) of the building more than twelve (12) inches.

b. No sign of any kind shall project into a street right-of-way.

c. No sign shall project above the roof lines of the building on which it is attached.

4. Interference with Traffic Signals or Motorist's Vision

a. No sign may be located in a manner which can obstruct or interfere with the view of a traffic signal.

b. No sign located within the required front yard may obstruct vision or be constructed between 2 1/2 feet and 10 feet in height.

5. Certain Types of Signs Prohibited

No person may erect or maintain a sign which flashes, rotates, simulates action or has a moving part that is visible from a public street.

6. Sign Definitions

a. Name Plate Sign: (Attached or Free Standing) A sign containing the name and title of the occupant of a building together with business hours, and not exceeding two (2) square feet in area.

b. Identification Sign: (Attached or Free Standing) A sign identifying the name of a church, institution, hospital, school, apartment building, club, lodging place, shopping center or place of employment on the property on which it is located, and not exceeding thirty-six (36) square feet in area, per face.

c. Business Sign, Attached A sign attached to the roof or face of a building identifying the trade, services or industry located within said building and not exceeding thirty percent (30%) of the front face of the building in area and not to exceed a maximum size of 350 square feet.

d. Business Sign, Free Standing A sign attached to its own support or to the ground identifying the trade, services, or industry located on a lot or in a building on the same lot, and not exceeding one square foot in area for each linear front foot of the property or frontage of the use and not to exceed a maximum size of 120 square feet, per face.

e. Advertising Sign: (Attached or Free Standing) A sign advertising anything not exclusively provided on the premises on which the sign is located. No advertising sign shall exceed a maximum square footage of 382 square feet.

No advertising sign shall be placed a distance closer than 1,000 feet apart on the same side of the street. All advertising signs shall meet the height restriction of the zoning district in which they exist. The stacking or doubling of advertising signs on the same poles shall not be permitted. Only one advertising sign shall be allowed at any single location. All advertising signs shall meet each of these requirements concurrently.

7. Sign Restrictions: The following schedule lists the number of signs permitted, and zoning districts in which they are permitted.

Number of District in which Type of Sign Signs Permitted Permitted_____ 52 parking lot,
used car

Name of Plate One per occupant Any district

Identification One per use Any district

Attached Business One per occupant B-1, B-2, B-3, PB, M-1, M-2, and M-3

Free Standing Business One for each drive-in B-1, B-2, PB, M-1,

food store, eating place, M-2, and M-3

bank, filling station,

laundry, cleaners

lots, shopping center,

or grouping of stores

whose contiguous

frontage is at least

200 feet

Advertising One per location M-2 and M-3

8. Sign Exceptions: The following signs are permitted in any district and are not limited in number:

a. Traffic Control Devices

b. Temporary real estate, construction and development signs located on the property listed for sale, lease, or under development or improvement.

c. Historical or commendatory plaques or corner stores.

d. Political announcements

e. Flags, pennants and banners

f. Utility signs identifying entrances, exists, parking and loading areas.

Section I. Specially Design Group Housing Developments

It is the intent of this Ordinance to permit variations in the design of residential developments that would conform to the spirit, but not to the exact letter of the yard and space requirements of this Ordinance, including but not limited to, such variations as building alignments that include set-backs of less than those required when compensated for by other set-backs of more than those required and the pooling of required yard spaces to provide large undivided open spaces.

1. Such variations may be granted by the Board of Zoning Appeals after consultation with the Planning Commission. Any such variations shall be granted only if proper protection can be afforded abutting properties and if the density of land use is no higher and the standards of open space are at least as high as those required by this Ordinance for the district in which is located the property for which the variation is requested.

2. Any such variation by the Board of Zoning Appeals shall be made subject to the recording of a plat of the proposed project approved by the Planning Commission in accordance with the Subdivision Regulations of the City of Dyersburg, Tennessee, on which are indicated the locations of all proposed streets, drives, walks, parking areas and buildings.

Section J. Cluster Development

1. Purpose

To provide the means and the guidelines through which tracts of land may be developed through a unified approach rather than traditional methods. It is intended to provide a maximum of design freedom development methods in order to create a better and more flexible living environment, by making the best 53

use of topography and land features by permitting the developer an opportunity to more fully utilize the physical characteristic of the site through the absence of traditional yard and bulk restrictions.

2. Location

A cluster development may be located in any medium (R-2) or high (R-3) density residential district requiring the approval of the Planning Commission, provided the Cluster Development shall be a tract of land under single or corporate ownership, planned and developed as an integral unit, in a single development or a definitely programmed, of development operation, in accordance with a plan approved by the Planning Commission.

3. Uses Permitted

These uses specifically permitted in Article IX Section B. To Article X Section B. of this Ordinance dependent upon the zone in which the request for a cluster zone is made.

4. Application Procedures

Before a permit is issued for any use permitted by right, a site plan review process shall be complied with involving a preliminary and final plat approval by the Planning Commission. The Planning Commission shall have the authority to impose conditions regarding the location of building on the site, the location and design of access, and other features affecting the character of the area.

a. Preliminary Plan

(1) At least fourteen (14) days prior to the Planning Commission meeting in which the Cluster Development is to be considered, a preliminary plat of the proposed development drawn to a scale of 1"=100' shall be submitted.

(2) This preliminary plat shall include the following minimum standards of design.

(a) The proposed development's name, ownership, and designer.

(b) Date, approximate north point, and graphic scale.

(c) A vicinity map showing the location of the development and its relationship to the existing Dyersburg Transportation System.

(d) The acreage and zoning of the proposed development site.

(e) The names of adjoining subdivisions or owners of adjacent tracts and their respective zoning.

(f) The location of existing streets, buildings, drainage facilities, and other such improvements.

(g) Construction plans of proposed streets, easements, drainage structure, and utility layouts.

(h) Contours at vertical intervals of two feet, except when specifically not required by the Planning Commission.

(i) Existing and proposed curb cuts, drives, and parking spaces.

(j) The generalized location of all structures planned for the site and proposed number of units.

(k) Areas proposed for open space, recreation facilities and 54

landscaping.

(l) Any other such information as requested by the Commission.

(3) Within thirty (30) days after the formal filing of the preliminary plat, the Planning Commission shall either approve, approve with modification or disapprove the proposed development.

(4) The approval of the preliminary plat will not constitute acceptance of the final plat.

(5) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one (1) year from the date of preliminary approval.

b. Final Plan

(1) After the approval of the preliminary plat, the final plat, drawn to a scale of 1" = 100', shall be submitted at least fourteen (14) days prior to the Planning Commission meeting at which time it is to be considered.

(2) The final plat shall conform substantially to the preliminary plat as approved and shall include the following:

(a) The proposed development's name, ownership, and designer.

(b) Date, approximate north point, and graphic scale.

(c) A vicinity map showing the location of the development and its relationship to the existing Dyersburg Transportation System.

(d) The acreage and zoning of the proposed development site.

(e) The names of adjoining subdivisions or owners of adjacent tracts and their respective zoning.

(f) The location of existing streets, buildings, drainage facilities, and other such improvements.

(g) Existing and proposed curb cuts, drives, and parking spaces.

(h) The location of all structures planned for the site and proposed number of units.

(i) Certification by the city engineer in regard to improvements and compliance with established standards.

(j) Areas proposed for open space, recreation, dedication of streets.

(k) Certification of approval to be signed by the secretary of the Planning Commission.

(l) A master deed and any home owner association contracts must accompany the final plat for review.

(3) If approved, the developer shall file the approved copy of the final plat with the Dyer County Registrar as the official plan of record.

(4) Approval of the final plat shall not constitute the acceptance by the public of the dedication of any street or the ground.

(5) Any deviation or change from the approved plat must be resubmitted to the Planning Commission for approval. The Planning Commission may approve minor changes such as the minor shifting of location of buildings, lot lines, streets, and other

minor features of the plat. Major changes will be subject to the completion of the entire review process as detailed in this section 55

as if it were a new development proposal.

5. Minimum Area Regulations

- a. The minimum area requirement of the development site shall be at least five (5) acres.
- b. At the perimeter of the development, all buildings shall be designed to harmonize in scale, setbacks, and mass with adjacent buildings outside the boundary of the development. Setbacks of the zones which the development borders shall be used as the guide.
- c. The Planning Commission shall have the authority to regulate internal building line set backs between developmental units based upon staff recommendations.

6. Maximum Height Regulations

No building shall exceed three (3) stories or thirty-five (35) feet in height.

7. Density

The density permitted in a declared Cluster Development shall not exceed ten (10) dwelling units per acre or twenty-five percent (25%) building coverage over the total computed gross acreage.

8. Parking Regulations

Adequate off-street parking space shall be in accordance with Article XXIII Section B of this Ordinance.

9. Street Design Standards

- a. All dedicated public streets shall be constructed in accordance with the Dyersburg Subdivision Regulations concerning minor Residential streets with rights-of-way of fifty (50) feet.
- b. Curbs and gutters shall be constructed on all dedicated public streets and plans of all storm drainage structures shall be approved by the city engineer if the Planning Commission is of the opinion that storm sewers are necessary.

10. Utilities

- a. The Cluster Development shall be connected to both the public water supply and the public sewerage system with the location and type of valves, pipes, and other features of installation subject to the approval of the Planning Commission based on the recommendation of the director of public works.
- b. Fire hydrants of the three-way traffic type (breakaway) shall be installed on a six (6) inch water main and their location shall be approved by the Planning Commission based on the recommendation of the fire chief.

11. Storm Water Drainage

- a. The storm water drainage standard is that the rate of water shed from a property should be the same before and after development.
- b. To achieve this standard and to prevent any increased flooding due to development, hydrological calculations are to be provided to the city engineer. The city engineer must approve a method for meeting the required standard.

12. Screening

- a. A plan for appropriate screening of the Cluster Development from adjoining properties must be approved by the Commission.
- b. Screening can be done by walls, fences, vegetation, and any combination of means that help mitigate the impact on the surrounding area.

13. Open Space Requirements

- a. A minimum of twenty-five percent (25%) of the gross area of the 56

development shall be provided as open and/or recreation space to serve the residents of the Cluster Development. This space at the option of the developer, may be retained by him or deeded to a homeowners association or other organization approved by the Planning Commission.

b. Designated open space may consist of landscaped undeveloped property or underwater area. In the case of water, no more than fifty percent (50%) of the designated open space shall be covered by water.

c. When open spaces are retained by the developer or commonly owned plans, for improvement and maintenance of these spaces must be approved by the Planning Commission. In addition, deed covenants shall be made to assure continuing use of the property for local open space purposes.

d. When open spaces are to be deeded to a homeowners association, the developer shall provide the legal framework for a homeowners association consisting of articles of incorporation and by-laws which guarantee that this association will be responsible for liability insurance, local taxes, and maintenance of recreational or other facilities pertaining to the local open space. Prior to approval of such an association, the Planning Commission shall consult the city attorney in regards to the proposed organization of this association.

e. Deeds within the Cluster Development shall convey mandatory membership in the homeowners association and include as a minimum the following provisions.

(1) Responsibility for paying a pro rata share of the cost of the homeowners association operation.

(2) Agreement that the assessment levied by the association can become a lien on the property if not paid.

(3) Agreement that the association shall be able to adjust the assessment to meet changed needs.

(4) Guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

14. Glossary of Terms.

DUPLEX See Dwelling, Two-Family

DWELLING A structure or portion thereof which is used exclusively for human habitation.

DWELLING,

ATTACHED A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING,

DETACHED A dwelling which is not attached to any other dwelling by any means.

DWELLING,

GARDEN

APARTMENT See Dwelling, Multifamily.

DWELLING,

MULTIFAMILY A dwelling containing more than two dwelling units.

DWELLING, PATIO HOUSE A one-family dwelling on a separate lot with open space setbacks on three sides and with a court. 57

**DWELLING,
QUADRUPLEX**..... Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

**DWELLING
SEMIDETACHED** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

**DWELLING
SINGLEFAMILY**
..... A building containing one dwelling unit.

**DWELLING
SINGLEFAMILY
DETACHED** A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

**DWELLING,
TOWNHOUSE** A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

**DWELLING,
TRIPLEX** A dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

**DWELLING,
TWO-FAMILY** A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall. except for a common stairwell exterior to both dwelling units.

**DWELLING
UNIT** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**DWELLING
UNIT
EFFICIENCY** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities. 58

Section K. Planned Residential Development Overlay Zone.

1. Standards

For the purposes of this Ordinance the Planned Residential District shall represent an overlay zoning district carrying the use restrictions of the underlying residential district. This zoning classification shall be utilized to promote flexibility in the design of a planned residential development while maintaining the current residential density and integrity of the surrounding development.

Residential development reviewed under these provisions should be characterized by unified development and a site plan incorporating features to assure the optimum use of land and attention to design, with emphasis on topographic, environmental and aesthetic factors. The regulations below are intended to secure the health, safety, and general welfare of the community and of the residents of the proposed development.

Within the areas designated R-1, R-1-A, R-2, R-3 and R-3MH on the Zoning Map of Dyersburg, Tennessee, the following regulations shall apply for site plan review:

a. Permitted Principal and Accessory Uses and Structures

The PRD Planned Residential District may be utilized within areas zoned R-1, R-1-A, R-2, R-3 and R-3MH. The permitted uses shall include all permitted uses as set forth in the underlying district.

b. Minimum Site Area and Yard Requirements

The minimum site area applying to PRD Developments shall be five (5) acres under single ownership at the time of rezoning. The width, frontage, and yard requirements otherwise applying to individual buildings lots do not apply within a planned residential development. Yard requirements are limited to the following standards, however, building layout must be approved by the Planning Commission.

Within the Planned Residential Development district, the following standards shall apply:

- (1) Minimum setback from an arterial street - forty (40) feet.
- (2) Minimum setback from collector street - thirty (30) feet
- (3) Minimum setback requirement from periphery boundary of the development: twenty-five (25) feet.
- (4) Where a side yard is proposed between two structures, the minimum width shall be ten (10) feet.

c. Height Regulations

The height restrictions of the underlying zoning district shall apply within Planned Residential Developments.

d. Permitted Density

The planned residential development may not result in a density greater than that otherwise permitted in the zone in which the development is to be constructed. These densities are calculated based upon the average densities allowed for all uses within each zone and are as follows:

PRD/R-2 10.5 units/acre

PRD/R-3 17.7 units/acre

PRD/R-3MH 17.7 units/acre

Common areas that are owned and maintained by the development may be used to achieve the appropriate density, however, no more than 25% of any such common area may be under water.

e. Access Drives

All lots shall be served from properly dedicated public streets, per the 59

requirements of the Dyersburg Municipal Subdivision Regulations. Access from a Permanent Vehicular Easement shall be allowed if the easement is constructed according to Article IV, Section A. 6 of the Dyersburg Municipal Subdivision Regulations.

Each building lot within the development shall front a public street or Permanent Vehicular Easement for a minimum of twenty (20) feet.

2. Application and General Procedures

Approval of a Planned Residential Development involves several steps: request by the developer to rezone the subject property to PRD and to the zone providing the desired density level and permitted uses, if necessary; preparation of a design plat showing general lot and building layouts and demonstrating compliance with the proposed zoning level as part of the rezoning review by the Planning Commission; a recommendation by the Planning Commission to the Mayor and Board of Aldermen as to the application of a zoning overlay of PRD, and accompanying underlying zoning amendment, if necessary; if adopted by the Mayor and Board of Aldermen, the preparation and submission of preliminary and final plats for the development of the property, in accordance with the Dyersburg Subdivision Regulations.

a. Design Plan

As part of the request for application of a Planned Residential Development overlay, and any accompanying request for an underlying zoning change, the developer shall prepare and submit to the Planning Commission a design or sketch plan demonstrating the general layout of the proposed development and showing compliance with all applicable rules and regulations.

The Design Plan shall:

- (1) be drawn to a scale of not less than 1" = 100"
- (2) include the following:
 - (a) The proposed development name, the name and address of the owner or owners, and the name of the designer of the plan;
 - (b) The acreage of the site;
 - (c) The current zoning of the site and of adjacent properties;
 - (d) Date, approximate north point, and graphic scale;
 - (e) The names of the owners of adjacent lots or tracts;
 - (f) A vicinity map showing the relation of the proposed development to Dyersburg;
 - (g) The location and length of existing and proposed property lines;
 - (h) Existing and proposed roads, curb cuts, drives and parking areas;
 - (i) General location and use of all structures planned on individual lots;
 - (j) Number of dwelling units;
 - (k) Areas proposed for open space, recreation facilities, or landscaping;
 - (l) General location and sizes of utility lines, i.e. water and sewer.

Within forty-five (45) days after submission of the design plan, the

Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications as a basis for a recommendation to 60

the Mayor and Board of Aldermen on rezoning of the property. Approval of the design plan shall constitute a positive recommendation to the Mayor and Board of Aldermen to rezone the site to PRD, along with the underlying zoning change, if requested. If the project receives positive action by the Mayor and Board of Aldermen pursuant to procedures outlined elsewhere in this Ordinance regarding the rezoning of property, the developers shall proceed with the preparation of preliminary and final plans to be submitted to the Dyersburg Planning Commission; these preliminary and final documents will serve as the basis for actual development of the project site, and will therefore also serve as the preliminary and final plats required for the division of property, according to the Dyersburg Subdivision Regulations, with some modifications. The preliminary and final plats submitted must be in substantial conformance with the Design Plan used for rezoning purposes. Plats containing minor changes from the approved Design Plan may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, or shifting of structures within the development shall be deemed to be a substantial deviation and shall require an amendment of the Design Plan by the Board of Mayor and Aldermen prior to further action by the Planning Commission.

b. Preliminary Plan

Before initiating construction, fill or grading of a tract of land for a Planned Residential Development, the owner or lessee of the site shall submit to the Planning Commission a preliminary plan (plat) for the use and development of the entire tract.

The Preliminary Plan shall:

- (1) be drawn to a scale of not less than 1" = 100'
- (2) include the following:
 - (a) The proposed development name, the name and address of the owner or owners, and the name of the designer of the plan;
 - (b) The location and length of existing and proposed property lines;
 - (c) Existing and proposed roads, including contours at vertical intervals of not more than five (5) feet;
 - (d) Curb cuts, drives, and parking areas;
 - (e) General location of all structures planned for the site;
 - (f) Number of dwelling units;
 - (g) Areas proposed for open space, recreation facilities, or landscaping;
 - (h) Existing and proposed utility layout;
 - (i) The acreage of the site;
 - (j) The current zoning of the site and of adjacent properties;
 - (k) Date, approximate north point, and graphic scale;
 - (l) The names of the owners of adjacent lots or tracts;
 - (m) A drainage plan, including all drainage features and structures, that demonstrates compliance with City drainage standards.
- (3) exhibit a vicinity map showing the relation of the proposed development to Dyersburg. Within forty-five (45) days after submission of the preliminary plan, the Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications as a basis for preparation of the final plan. If the plan is 61

disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required changes will be indicated. Approval of the preliminary plan shall lapse if no final plan based thereon is submitted within one (1) year of such approval unless an extension of time is applied for and granted by the Planning Commission.

c. Final Plan

Within one (1) year after approval of the preliminary plan, the owner or lessee shall present a final plan to the Planning Commission. The final plan shall substantially conform to the approved Design Plan and approved Preliminary Plan. If a Final Plan is disapproved by the Planning Commission, the applicant may resubmit a Final Plan which substantially conforms to the approved Design Plan, or the applicant may request an amendment to the approved Design Plan from both the Planning Commission and the Mayor and Board of Aldermen.

(1) The final plan shall conform substantially to the approved preliminary plan and shall:

(a) be drawn to a scale of not less than 1" = 100'

(b) include the following:

i. The boundary lines of the area being subdivided with dimensions to the nearest tenth (1/10) of a foot and bearings to the nearest minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in five thousand (5000) feet;

ii. Existing and proposed roads, including the exact names, locations, center line bearings, and the widths along the property lines of all existing or platted streets or easements intersecting or paralleling the boundaries of the proposed development;

iii. Curb cuts, drives and parking areas;

iv. The required setback lines and location of all structures to be built on the site;

v. Finished grade plan;

vi. The boundary of the 100-year flood plain;

vii. Recreation areas

(2) The following certificates shall be presented with the final plan (the developer is recommended to use the certificates provided in the Dyersburg Subdivision Regulations):

(a) Certification by a licensed surveyor or civil engineer that said boundaries are true and correct.

(b) Certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown in the plan and agree to make any required improvements of adjacent streets as shown on the plan.

(c) Certification by the City Engineer that the developer has complied with one of the following alternatives:

i. Installation of all public improvements in accordance with the requirements of local standards, or

ii. posting of a cash or corporate performance bond in sufficient amount to assure completion of all required improvements.

(d) Certification of approval by the Planning Commission.

(e) If home ownership is planned for the residents of the development, a master deed and any home owner association contracts must accompany the final plan for review by the Planning Commission. Any homeowners association must register a representative with the Building Department who is available to be contacted regarding the development. 62

Section L. Standards for Bed and Breakfast Inns

Bed and Breakfast operations are a "use on appeal" in R-2 and R-3 residential zones. the Board of Zoning Appeals may require such conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located.

1. Permits - No building permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals.
2. Location - The Bed and Breakfast operation shall be located and conducted in the principal building only.
3. Operator Occupied - Proprietors of the Bed and Breakfast shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
4. Number of Rental Units - No more than three (3) bedrooms shall be for rent at any one time at any one Bed and Breakfast establishment.
5. Length of Stay - Lodging of guests at the Bed and Breakfast Inn shall be limited to no more than ten (10) days during any one (1) stay.
6. Food Services - Meals for other than owners and staff will be restricted to breakfast for paid house guests only. Breakfast hours are limited to from 4:00 A.M. to 11:00 A.M.
7. Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals 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 Dyersburg Board of Zoning Appeals.
8. Appearance - The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
9. Advertising - The proposed use shall not be advertised by the use of signs which exceed four (4) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.
10. Parking - Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will comply with Article 1800 of the Dyersburg Zoning Ordinance.
11. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.
12. The Board of Zoning Appeals 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 63

Ordinance. Consideration will be given to the impact on adjoining properties. Landscaping, fencing, screening and other methods might be required to mitigate anticipated impacts to the neighborhood.

Section M. Manufactured Residential Dwellings

Manufactured residential dwellings, as defined in Article III 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 exceed 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 roof.
6. All such units shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance with 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 N Nonconforming Lots, Uses and Structures

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and 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. Furthermore, there exist lots, structures, and uses of land and structures that have been designated "nonconforming uses" and are prohibited, regulated, or restricted under the terms of the previous Zoning Ordinance which this Ordinance supersedes. The non-conformance terms of this previous ordinance, dated April 4, 1946, specifically Article III, subsections 3.6 and 3.7 which read as follows: 3.6 All nonconforming buildings or structures shall be torn down, altered or otherwise made to conform within twenty-five (25) years from the date of adoption of this Ordinance; 3.7 All nonconforming 64

uses of land, shall be discontinued within two (2) years from the date of this Ordinance; shall be continued as a part of this Ordinance dated March 8, 1971. Additionally, the following non-conformance provisions shall apply:

1. Any Non-conforming Structure may not be:
 - a. Extended except in conformity with this Ordinance.
 - b. Rebuilt or repaired after damage exceeding fifty (50) percent of replacement value except in conformity with the provisions of this Ordinance.
2. Any Non-conforming Use of Land may not be:
 - a. 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.
 - b. Extended except in conformity with this Ordinance.
3. Any Non-conforming Use of Structure may not be:
 - a. 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.
 - b. Re-established after discontinuance of one year.
4. Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding fifty (50) percent of replacement costs unless the use and structure conform to the provisions of this Ordinance.
5. All non-conforming signs and billboards shall be torn down, altered, or otherwise made to conform with 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.
7. Non-conforming Lots of Record:

Where the owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance in accordance with Article XXV. 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 Board of Zoning Appeals. In no case, however, shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than fifty (50) feet and whose total area is less than five thousand (5,000) square feet.

Section O. Procedures and Requirements for Site Plan Review

The following procedures and standards are established for those sections of this Ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy. The site plan must be prepared and stamped by either a licensed engineer or a licensed surveyor. The City 65

Engineer, the Staff Planner, the City Building Official and either the Chairman or the Secretary of the Dyersburg Municipal Regional Planning Commission shall jointly act as the designated agents of the Dyersburg Municipal-Regional Planning Commission in the official review of all required site plans and shall have the power to approve or disapprove according to the terms specified herein all required site plans. A site plan is required for all multi-family residential uses of four (4) dwelling units or more, for all buildings or structures in the B-1, B-2, PB, HM, M-1 M-2 and M-3 zones, and for all buildings or structures which are to house a Use Permitted on Appeal in every zone. All site plans submitted for the location of any Use Permitted on Appeal shall be reviewed and approved according to its conformance with the terms specified herein by the Dyersburg Board of Zoning Appeals before the issuance of a building permit or certificate of occupancy. Every site plan submitted to the Building Department of the City of Dyersburg shall become the property of the City of Dyersburg and shall be maintained in the permanent files of the Building Department of the City of Dyersburg. Site plan approval, once granted, shall be in effect for a period of one (1) year from the date of the Commission's approval or the approval of its designated agents.

1. Site Plan Submission and Review

a. In instances where site plan review is required by the Dyersburg Zoning Ordinance, the following procedures shall apply:

2. Contents of Site Plan

a. The site plan shall include:

- (1) Name of development and address.
 - (2) Name and address of owner of record and the applicant.
 - (3) Scale of 1" - 100'.
 - (4) Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
 - (5) Date, scale, and north point with reference to source of meridian.
Note all related dimensions and bearings of the lot.
 - (6) Courses and distances of center lines of all streets.
 - (7) All building restriction lines (yard setbacks and rights-of-way) right-of way and highway setback lines, easements, covenants, reservations and rights-of-way.
 - (8) The acreage or square footage of the lot.
 - (9) "Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building.
Topography to be shown by dashed line illustrating contours and/or spot elevation, if required, and as required by the City Engineer.
- b. The site plan shall show the location, dimensions, site and height of the following when existing and/or when proposed:
- (1) Sidewalks, streets, alleys, easements and utilities.
 - (2) Buildings and structures including the front (street) elevation of proposed building.
 - (3) Public sewer systems.
 - (4) Slopes, terraces, and retaining walls.
 - (5) Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
 - (6) Water mains and fire hydrants. 66

(7) The following when applicable:

(a) Number of dwelling units.

(b) Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).

(c) Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).

(d) Number of Commercial or Industrial tenants and employees.

(8) Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any.

(9) Proposed grading plan.

3 Site Plan Review Authority

a. The Planning Commission or its designated agent(s) shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the required use. This may include, but not be limited to setbacks, screening, lighting, parking location and 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, the authority to specify building materials, colors, or similar considerations.

The Commission or its designated agent(s) shall have the power to require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

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

The Board of Zoning Appeals shall have the authority to require a buffering of the conditional use from surrounding properties by the use of fencing, plantings or a combination thereof.

P. Day Care Center and Home Requirements

Day care centers and homes, as defined below, are uses permitted on appeal in the residential districts, subject to site standards.

Day Care Centers and Homes- A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of children under 17 years of age for less than 24 hours per day, without transfer of custody. All Day Care Centers and Homes in the residential district will be required to comply with the following conditions:

1. The maximum number of children allowed in Day Care Centers and Homes is twelve (12) with 7,500 square feet of property required for each additional child.

2. All dimensional regulations of the district shall apply. 67

3. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least five (5) feet in height.
4. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
5. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
6. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
7. Off-street parking shall be provided at the rate of two spaces for Day Care Centers and Homes caring for up to twelve children with an extra space for every five children accommodated above twelve, plus the specific required space(s) for the district in which the facility is located.
8. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan, in accordance with Article XXIII, Section O of the Dyersburg Zoning Ordinance. The site plan shall show existing and proposed buildings, fences, landscaping, parking and access facilities.

In addition to the required information as outlined in Article XXIII, Section O, the following information will also be required on the site plan:

1. Total footage proposed for the use
2. Proposed number of children
3. Proposed buffering
4. Traffic Analysis

U. Specific Standards for Non-Inhabitable Structures that Exceed Height Standards.

In addition to the requirements of the applicable district, a special exception shall be granted for non-inhabitable structures when the standards established are met as part of the condition for issuing the permit in the applicable zone districts. The provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative treatment of physical features or landscaping that meet the intent and purpose of this section.

Updated: October 3, 2011 – Ordinance No. BB-620

V. Requirements for Telecommunication Towers Equipment

- A. These regulations shall apply to Telecommunications Towers and Equipment as permitted according to each zoning district's provisions.
- B. New telecommunications towers or telecommunication equipment on existing structures upon site plan approval by the Planning Commission and in compliance with the provisions of "Telecommunications Tower Requirements."
 1. Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the City of Dyersburg by

providing provisions relative to controlling the height, number, and light emission of telecommunication towers.

2. Applicability - All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, not constructed upon or used as an accessory structure for a residential dwelling and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.
3. Plan Requirement - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in this Ordinance.
 - (a) The Planning Commission, upon referral, may make other requirements for information when necessary for the proper review and judgment of the site plan.
 - (b) All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structures and the location of future antenna arrays and accessory structures.
 - (c) A letter of intent from the owner allowing for the shared use of the tower.
 - (d) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
 - (e) A letter indicating why no existing towers or structures within a one (1) mile radius of the proposed tower can be utilized.
4. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed and any tower that is not specifically permitted by the City of Dyersburg shall be specifically prohibited.
5. Type - All new telecommunications towers that exceed a height of 25 feet may be of a monopole or lattice type structure.
6. Accessory Uses and Structures
 - (a) A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or Special Exception in any district in the City of Dyersburg. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business

or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

- (b) Each antenna array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of 20 feet by 20 feet. Accessory buildings or structures shall not exceed one story.

7. Structural Requirements

- (a) All new telecommunications towers not on an existing utility structure within the City of Dyersburg shall be designed to accommodate a minimum of three 3 antenna arrays.
- (b) All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.
- (c.) All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.

8. Setbacks

- (a) All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to fifty (50%) percent of the tower height or the district yard requirements, whichever is greater.
- (b.) In instances when a telecommunications 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, a residential district, a public street or public way shall be one hundred (100%) percent of the tower height plus ten feet.

9. Co-Use of Utility Structures

The co-use of existing utility structures in the City of Dyersburg shall be encouraged on existing power line structures and water towers, or other towers exceeding 30 feet in height.

10. Height

- (a.). No height restrictions provided that all setback requirements and provisions of this ordinance and other local, state, and federal codes are met.
- (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 ten (10) feet.

11. Shared Use

The shared use of new telecommunications towers within the City of Dyersburg shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers or existing structures within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons.

- (a.) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
- (b.) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- (c.) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
- (d.) Geographic service requirements would prevent the co-use of an existing tower or utility structure.

12. Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structure, whichever is greater.

13. Landscaping - All freestanding towers and utility structures shall have a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

14. Vehicle Access/Parking

- (a.) 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 Planning Commission in accordance with access control regulations within this ordinance.
- (b.) No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.

15. Lighting

- (a.) Towers: No strobe lighting shall be permitted in the City of Dyersburg. If a proposed tower is required to be lighted, then the applicant shall

meet the requirements of the FAA (Federal Aviation Administration) and/or FCC (Federal Communications Commission).

- (b.) Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

- 16. Removal of Obsolete Towers - Any telecommunications tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

ARTICLE XXIV

ADMINISTRATION AND ENFORCEMENT -

BUILDING PERMITS AND CERTIFICATE OF ZONING COMPLIANCE

Section A. Administration

The provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the Chief Legislative Body. He may be provided with the assistance of such other persons as the Chief Legislative Body, may direct and shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement and administration of this Ordinance.

Section B. Enforcement

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person, or persons, responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provision.

Section C. Building Permits

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Zoning Appeals.

- 1. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height and location of all buildings to be erected, altered or moved and of any building 70

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 Dyersburg 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. The issuance of a permit shall, in no case, be construed as waiving any provision of this Ordinance.

2. 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.

Section C. Certificates of Zoning Compliance for New, Altered or Nonconforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

1. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certification of zoning compliance shall have been issued by the Building Inspector. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

2. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

3. A temporary certificate of zoning compliance may be issued by the Building Inspector for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect safety of the occupant and the public.

4. The Building Inspector shall maintain a record of all certificate of zoning compliance, and copies shall be furnished upon request to any person.

5. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the general penalty clause for this code.

Section E. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and no other use, arrangement or construction. Any use, arrangement or construction 71

at variance with that authorized shall be deemed a violation of this Ordinance.

Section F. Remedies

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure or land is used in 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 or proceeding to prevent the occupancy of such building, structure or land.

ARTICLE XXV

BOARD OF ZONING APPEALS

Section A. Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, not more than one (1) of whom may be a member of the Dyersburg Municipal Planning commission. They shall be appointed by the Mayor, subject to approval by a majority vote of the Board of Aldermen. The term of membership shall be three (3) years except that the initial individual appointments to the Board shall be for terms for one (1) year, two (2) years, and three (3) years, respectively. Vacancies shall be filled for any unexpired term by appointment by the Mayor.

Section B. The Board of Zoning Appeals shall have the following Powers and Duties

1. Administrative Review

The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the enforcement of any provisions of this Ordinance.

2. Granting of Variances

The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

3. The Board of Zoning Appeals shall have the power to hear and decide only such special exceptions as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

Section C. Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall adopt rules for the transaction of its business and the regulation of procedure before it. Meetings of the Board shall be held at such time and at such places within the City as the Board may designate, and meetings may be held at any time at the call of the Chairman. The Chairman of the Board, or in his 72

absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board shall be a public record. Upon appointment and annually the Board of Zoning Appeals shall meet and organize and shall elect its own Chairman who shall serve one year or until his successor duly qualifies.

Section D. Appeals

Appeals may be taken to and before the Board of Appeals by any person aggrieved, or by any officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector from whom the appeal is taken and with the Board, a written notice of appeal and specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

Section E. Hearing and Notice

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appeal in person or by agent or by attorney.

Section F. Appeals from the Board of Zoning Appeals

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State.

Section G. Application Procedures and Decisions

1. Administrative Review

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.

A reversal or amendment of an administrative decision or interpretation of this Ordinance by the Building Inspector shall not be granted by the Board of Zoning Appeals unless and until:

- a. A written application for review of such order, requirement, permit, decision, determination, or refusal made by the Building Inspector shall be submitted.
- b. The Board of Zoning Appeals shall find sufficient grounds to decide that an error was made.
- c. In exercising its power, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decisions, or determination as ought to be made, and to that end shall have the powers of the administrative official and from whom the appeal is taken. 73

2. Variances: A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until:

a. A written application for a variance shall be submitted demonstrating:

(1) that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

(3) that the special conditions and circumstances do not result from the actions of the applicant; and

(4) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.

b. In granting any variance, the Board of Zoning Appeals shall find that the requirements of paragraph Section G 2 a., (2) above have been met by the applicant for a variance, and that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

c. The Board of Zoning Appeals shall further make a findings that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise be detrimental to the public welfare.

d. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguard, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under this Ordinance.

e. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

3. Exceptions

A special exception shall not be granted by the Board of Zoning Appeals unless and until:

a. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

b. The Board of Zoning Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

c. In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance. The Board of Zoning Appeals shall

prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to 74

begin or complete, or both, such action within the time limit set shall void the special exception.

ARTICLE XXVI

CHANGES AND AMENDMENTS

Section A. Requirements for Change

Whenever the public necessity convenience, general welfare, or good zoning practice justifies such action, the Board of Aldermen of the City of Dyersburg may from time to time, amend, supplement or change by ordinance, the boundaries of districts or regulations herein established. Any proposed amendment, supplement or change shall first be submitted to the Dyersburg Municipal Planning Commission for its recommendations and report.

Section B. Application

A proposed change of district or of text may be initiated by the Dyersburg Municipal Planning Commission, the Board of Aldermen, or by application of one or more owners of property within the area proposed to be changed.

Section C. Public Hearing and Notice

Before enacting the Zoning Ordinance or any amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days' notice of the same and place of which shall be published in the official municipal journal or in a newspaper of general circulation in the municipality. No change in or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive a favorable vote of a majority of the entire membership of said chief legislative body.

Section D. Decision by the Dyersburg Municipal Planning Commission and Board of Aldermen

The Dyersburg Municipal Planning Commission may recommend that the regulations or the District Map be changed as requested, be made, or that no change be made. This recommendation shall be forwarded to the Board of Aldermen within ten (10) days after the decision of the Planning Commission, provided all of the conditions embodied in such decision have been fulfilled.

Section E. Rules of Procedure

The Dyersburg Municipal Planning Commission shall, by majority vote, adopt rules of procedure to regulate the conduct of its affairs including, but not restricted to, meetings, petitions, public hearings, the presentation of evidence and any other matters involved the exercise of its functions.

Section F. Fee Required

Before any action is taken upon any application as provided in this Section, either by the Dyersburg Municipal Planning Commission or the Board of Aldermen, the applicant shall deposit \$50.00 (fifty dollars) with the Dyersburg Municipal Planning Commission to cover the approximate cost of the procedure and the Commission shall then deposit this amount with the City Recorder where it shall be credited to the General Revenue 75

Fund of the City. The failure of either the Planning Commission or the Board of Aldermen to approve the change shall not be construed as any reason for refunding the deposit to the applicant.

Section G. Amendment of the District Map

All district changes recommended by the Dyersburg Municipal Planning Commission and established by Ordinance of the Board of Aldermen shall be incorporated into a revision of the Official Zoning District Map.

ARTICLE XXVII

VIOLATION AND PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

ARTICLE XXVIII

CONFLICT

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 Dyersburg, or the whole or part of any existing or future private covenants or deeds, the most restrictive shall in all cases apply.

ARTICLE XXIX

VALIDITY

If any section, clause, provisions, 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.

ARTICLE XXX

REPEAL OF PRIOR ORDINANCE

The prior Zoning Ordinance of the City of Dyersburg, Tennessee, dated April 4, 1946 and appearing in Minute Book _R_ pages 540-552 in the Dyersburg City Hall, and as later amended, is hereby repealed with the exception of SubSections 3.6 and 3.7 of Article III as stated in Article XXIII Section N of this Ordinance. 76

ARTICLE XXXI
EFFECTIVE DATE

This Ordinance shall take effect and be in force beginning _____.

Certificated by Planning Commission: _____

Passed on the 1st and 2nd Readings: _____

Passed on 3rd Reading: _____

Mayor