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Jackson, Tennessee

**ZONING**

**ORDINANCE**

**SELMER, TENNESSEE**

**JUNE, 2006  
As Updated March 2011**

## CHAPTER I

### GENERAL PROVISIONS RELATING TO ZONING AUTHORITY

#### Authority

An Ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-211 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 Selmer, 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, and density of population, the use of buildings, structures, and land for trade, industry, residences, 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 SELMER,  
TENNESSEE AS FOLLOWS:

11-101. Title - This Ordinance shall be known and may be cited as the Zoning Ordinance of Selmer, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Selmer, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Zoning Map shall be located in the Town Hall and shall be identified by the signature of the Mayor and attested by the Town Recorder. The official zoning map may be amended under the procedures set forth in Chapter 14 of this Ordinance, provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the Mayor and attested by the Town Recorder.

11-102 Purpose - The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. These regulations 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.

These districts 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 Town.

## CHAPTER II

### CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### 11-201. Definitions

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the Ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular number; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail. Floodplain management definitions are found in the appropriate chapter of this Zoning Ordinance.

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of Selmer. The Standard Land Use Coding Manual is intended to serve as a secondary guide in the determination of what uses are permitted in all districts if a more specific definition is otherwise noted in this ordinance .

Abandoned / Obsolete Sign: A sign which directs attention to a business or product which is no longer in existence or available at the site to which the sign directs attention or which advertises a product no longer available.

Accessory Structure, Building, and Use: A detached building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use.

Addition (to an existing building): 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.

Adult Oriented Businesses - A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented new or existing businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that new or existing businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

- a. Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished

or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

b. Adult Bookstore or Adult Video Store: means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

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

c. Adult Cabaret: means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. persons who appear in a state of nudity or semi-nudity; or
2. live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
4. persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

d. Adult Motel: means a hotel, motel or similar commercial establishment that:

1. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films,

- motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
2. offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
  3. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.
- e. Adult Motion Picture Theater: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- f. Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- g. Semi-Nudity: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- h. Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic regions, buttock and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. Specified Sexual Activity: means any of the following:
1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual intercourse, or sodomy;
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
  4. Flagellation or torture in the context of a sexual relationship;
  5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain;

6. Erotic touching, fondling or other such contact with an animal by human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “1” through “6” above.

Adult Care: Refers to the various arrangements made by family for the care outside their home for adults 17 or older for up to 24 hour periods.

Adult Care Facility: A building or structure for the care of adults as defined herein. Such facility normally includes one of the following types:

1. Assistant Care Living
2. Convalescence Home
3. Retirement Home
4. Senior Centers

Agricultural Services: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services.

Agriculture: Land devoted to the production of crops and/or livestock for sale.

Alley: A thoroughfare which affords only a secondary means of access to abutting properties.

Alterations: As applied to a building or structure, means a change or reorganization in the structural parts, or an enlargement, whether by extending on a side or by increasing a height, or the moving from one location or position to another.

Amusement: An establishment which provides arcade type entertainments including such items as pinball machines, video games, pool tables, miniature golf and other amusements.

Animated sign: A sign which uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs).

Apartment: One dwelling unit, including living, cooking and sanitary facilities in a multi-family structure.

Appeal: A request for a review of the Building Inspector’s interpretation of any provision of this ordinance or a request for a variance or special exception.

Approved: Means Acceptable to the appropriate authority having jurisdiction.

Architectural Design: Having or conceived of as having a single unified overall design, form, or structure.

Attached Business Sign: Any sign which is affixed directly to a wall or parapet wall of any building or structure with the exposed face on a plane approximately parallel to the plane of such wall.



Automobile Storage Yard (also Salvage Yards): Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Awning: A roof like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Awning Sign: (See Canopy Sign)

Billboard: A large sign designed to carry outdoor advertising usually mounted on poles or some other device.

Banner Sign: A sign made of fabric or other non-rigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Berm: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise

Boarding House or Rooming House: A building in which lodging and/or meals are provided for compensation for two or more persons for a prearranged time period.

Buffer, Perimeter Landscape: A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another. A combination of physical space and vertical elements, such as plants, berms, fences, or walls that serve purpose of separating and screening incompatible land uses.

Buffer Strip: A strip of land, which is landscaped and kept in perpetual open space uses, that is established to protect one type of land use from another with which it is incompatible.

Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Code: Unless otherwise designated, this term shall mean the International Building Code.

Building, Height of: The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

Building Official (also Building Inspector): The person appointed by the Selmer Board of Mayor and Aldermen having jurisdiction over the Town for the enforcement of the zoning ordinance, building code, and other local developmental regulations.

Building Line - Front, Side, Rear: Lines, which define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Bulletin Board Sign: A ground sign with changeable text normally allowed for churches and schools.

Business Identification Sign: A freestanding sign identifying a recognized firm, business, or service.

Business Service: Establishments which provide aid or merchandise to retail trade establishments including, but not limited to: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service.

Caliper inches: A method of measuring the diameter of a tree with trees that are up to and including 4 inches in diameter being measured 6 inches above the ground and trees over 4 inches in diameter being measured 1 foot of above the ground.

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

Canopy Sign: A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building.

Canopy or Shade Tree: Any deciduous tree maturing at a height of at least 30 feet or greater that would occupy the upper canopy of a forest.

Carport: A canopy attached to the main building, open and to remain open on two sides providing a sheltered place for parking an automobile and for entering and alighting from said automobile.

Certified Historic Structure: A building certified in writing by local state or federal historic preservation organization, chartered by the State of Tennessee, as having historic value and significance and also designated as such by the Selmer Municipal/Regional Planning Commission.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message, characters, letters, or illustrations change more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this ordinance. Also for the purposes of this ordinance, these signs shall be on-premise signs.

"Changeable message sign" means an off-premise advertising device which displays a series of messages at intervals by means of digital display or mechanical rotating panels;

(a) Changeable message signs may be double faced, back to back or "V"- type signs.

(b) Changeable message signs with a digital display which meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:

(1) The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;

(2) Video, continuous scrolling messages and animation are prohibited; and

Child Care Facility: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 71-3-501 through 71-3-533 as

well as all pertinent rules regulations, and standards of the Tennessee Department of Human Services. A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

1. Family Day Care Home: means the home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age who are not related to such person and whose parents and guardians are not residents in the same house, for less than 24 hours per day for care without transfer of custody. As used in this definition “related” means the children, stepchildren, grandchildren, siblings, stepsiblings, nieces and nephews of the primary caregiver; (A license is generally not required for a house providing care for fewer than 5 children.)
2. Group Day Care Home: means any place operated by a person, social agency, corporation, institution, or other group which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during summer vacation for less than 24 hours per day for care outside their own home without transfer of custody.
3. Day Care Center: means any place operated by a person, society, agency, corporation, institution, or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day, without transfer of custody.

Clinic: Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.

Commercial: Activities related to the provision of products and services. See retail and wholesale trade; financial, also business, personal, and professional services.

Common Area: Any area or space designed for joint use tenants occupying mobile home developments.

Communication: Radio, telegraph, telephone and television broadcast receiving, and relay facilities.

Community Facility: A building or structure owned and operated by a governmental agency which provides a governmental service to the public.

Condominium: An ownership arrangement in which the buyer purchases only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses. Also, a building, or group of buildings, in which units are

owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conifer Tree: Any tree with needle leaves and a woody cone fruit.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy: The wording on assign surface either in permanent or removal letter form

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities; such as, but not limited to, museums, art galleries, and/or historic sites.

Deciduous Tree: Any tree which sheds its leaves in the fall or winter.

Density: Maximum number of units per acre allowed by this Zoning Ordinance.

Developer: The person, firm, or corporation having a proprietary interest in a mobile home park for the purpose of preceding under this chapter.

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

Diagonal Tie: Any tie down designated to resist horizontal forces and which does not deviate less than thirty (30) degrees from a vertical direction.

Directional/Informational Sign: Any on-premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

District: Any section or sections of the Town of Selmer for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

Drip Line: A vertical line extending from the outermost portion of a tree to the ground.

Driveway: A paved or gravel way, on private property, providing access from a public way, street, or alley, to the main buildings, carport, garage, parking space, or other portion of the premises.

Dwelling: A building, or portion thereof, which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by a common vertical fire wall with each dwelling being located on a separate lot. This shall include zero lot line development.

Dwelling, Single-family - Detached: A building designed for or occupied exclusively by 1 family which has no connection by a common wall to another building or structure similarly designed.

Dwelling, Multi-family: A building designed for occupancy by 3 or more families living independently of each other.

Dwelling, Patio Home: A one-family dwelling on a separate lot with open space setbacks on 3 sides.

Dwelling, Semi-Attached: A one-family dwelling attached to another one-family dwelling by a common vertical fire wall or walls with each dwelling being located on a separate lot. This shall include two-family townhouses and zero lot line developments.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by 1 family constructed in a row with each unit consisting at least 2 stories and each dwelling unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no opening in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this ordinance a townhouse designation shall apply to 3 or more units built contiguous to each other. This definition does not preclude condominium standards as set forth in the International Building Code.

Dwelling, Two-family (duplex): A building designed to be occupied by two families, living independently of each other having one wall common to both dwelling units, and located on one lot.

Dwelling Unit: One or more rooms designed as a unit for occupancy by 1 family for cooking, living, and sleeping purposes, which is part of a two-family duplex, townhouse, or multi-family structure.

Dwelling-Mobile Home: (See Mobile Home)

Easement: The right granted by the owner of land to another party, (either public or private) for a specific, limited use of that land. (See Subdivision Regulations )

Education Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and/or art, dance, and music schools.

Electric Feeder: The part of the electric distribution system between the transformer and the electrical connections of a mobile home.

Elevated Building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), sheer walls, or breakaway walls.

Erosion: The process of the gradual wearing away of land masses.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Evergreen: Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.

Exception: 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.

Exterior Boundary: (See Exterior Yard).

Exterior Yard: A yard adjacent to the side or exterior boundaries of a mobile home park, a multi-family development or planned commercial development which are clear of any structures.

Factory Built Housing: A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consists of 3 types: modular homes, mobile homes and manufactured homes.

Family: One or more persons related by blood, marriage, or other legal arrangement, or a group of unrelated individuals, not to exceed 3 persons per house occupied, living as a single non-profit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers.

Flashing Sign: Any directly or indirectly illuminated sign which contains an intermittent flashing light source. (This does not include message center or time/temperature signs.)

Fraternity or Sorority House: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

Freestanding Sign: Any sign supported by uprights or braces placed on or in the ground and not attached to any building.

Game Room: An establishment which provides arcade type entertainment's including such items as pinball machines, video games and pool tables.

Garage, Private: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Garage Repair: A building in which are provided facilities for the care, servicing, repair, or equipping of motor vehicles.

Governmental Agency: An agency of the Federal State, or the Local Government or any combination thereof.

Governmental Services: Fire, Police, Judicial, and/or other services provided by the government.

Grade: The ground elevation used for the purpose of regulating the height of building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Gross Floor Area: The total floor area, including basements, mezzanines and upper floors, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

Ground Anchor: Any device at a mobile home stand designed for the purpose of securing a mobile home to the ground.

Ground Sign: A sign mounted at ground level, the height of which is no more than 6 feet from the surrounding ground level and the face of which begins no more than 36 inches above the surrounding grade.

Grouping Signs: Signs identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

Habitable Space: Areas within the building designed and/or used as living quarters for human beings.

Health Officer: The director of the county or district health department having jurisdiction over the community health in the Town, or his duly authorized representative.

Height: (See Building, Height)

Height, Sign: (See Sign Height)

Home: (See Dwelling)

Home, Manufactured: (See Manufactured Home)

Home, Mobile: (See Mobile Home)

Home, Model: (See Model Home)

Home, Modular: (See Modular Home)

Home Occupation: A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use.

Hospital: An establishment which provides out-patient, inpatient and emergency services of a medical, surgical and obstetrical nature to ill or injured human patients.

Hospital, Small Animal: An establishment where veterinary treatment and care are provided inside a soundproof, air-conditioned building for dogs, cats, and other small domestic pets.

Hotel: A building in which lodging and/or board is provided and offered to the public for compensation, and in which egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

Human Occupation: (See Habitable Space)

Illegal Sign: Any sign and/or advertising structure erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation, or governmental agency for the purpose of providing charitable, social educational or similar services of a charitable character to the public.

Internal Street: In a privately owned mobile home park, this term shall mean a private street owned, constructed, and maintained by the developer which provides access to all spaces and facilities for common use by park occupants.

Junk or Salvage Yard (see also Automobile Storage Yard): Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

Kennel: Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept with or without compensation

Kindergartens: (See Nursery School)

Land Development or Land Use Plan: A general plan for the physical development of a particular area, which can be either a municipality, region or both. The plan will formulate a coordinated, long term development pattern for the identified area the creation of a future land development or land use map, a major road plan and the identification of goals, objectives and policies.

Landscape Surface Area: The area of the site not devoted to paving or buildings. Fountains and retention facilities shall be counted as part of the landscape area.

Line Clearance: Removal of limbs and branches within a set distance of utility lines.

Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot: A legally recorded parcel of land of at least sufficient size to meet minimum zoning ordinance requirement for use.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot abutting upon 2 or more streets at their intersection.

Lot, Double Frontage: A lot having a frontage on 2 non-intersecting streets as distinguished from a corner lot.

Lot of Record: A parcel legally recorded in the Office of the McNairy County Register of Deeds.

Lot Coverage: The lot area covered by all buildings located therein.

Lot Width: The horizontal measurement at the building line.

Manufacturing: Establishments engaged in the mechanical or chemical transformations of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. The term manufacturing covers all mechanical or chemical transformations, whether the new product is finished or semi-finished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming.



Manufactured Home: A residential dwelling, transportable in two or more sections, which is built on a permanent chassis and designed to be used as a 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. A manufactured home having the same general appearance as a site built home shall be allowed on individual lots in any residential district provided the specified conditions are met.

Marquee Sign: Any sign for a hood, canopy, awning or permanent construction which projects form a wall of a building, usually above an entrance.

Maintenance (Sign): For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services.

Message Board: A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

Mixed Use Development: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mini-Warehouse: A building or group of buildings that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers goods or wares.

Mobile Home: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

Mobile Home Lot: A parcel of land rented for the exclusive use of the occupants of a single mobile home.

Mobile Home Park: Any plot of ground with single ownership upon which two or more mobile homes are parked for occupancy as dwelling units.

Mobile Home Space: An area of ground within a mobile home park designed for the accommodation of 1 mobile home.

Model Home: A residential structure that may or may not be furnished that may display a plan of the subdivision in which the structure is located, plans of different homes or structures available for construction within the subdivision and alternative materials of which the structures may be constructed. The home may not display any materials used

in the decorating or finishing of the interior of a structure and may not be staffed by more than 2 agents.

Model Home Sign: A ground sign identifying a model residential structure or example home within a recognized subdivision or residential development

Modular Home: A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, is a finished building and not designed for ready removal to another site.

Motel or Motor Court: a building or group of buildings containing individual living or sleeping units, each having an outside entrance, with a parking space located conveniently to each such unit, for the temporary residence of motorists or travelers.

Motor Vehicle Transportation: Transportation services including bus, taxi and motor freight transportation.

New Manufactured Home or Mobile Home Park or Subdivision: A manufactured home or mobile 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.

Non-conforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Non-conforming Sign: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Non-conforming Structure or Building: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Non-conforming Use: Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this Ordinance, but which no longer comply with the use regulations of the district in which it is located.

Noxious Matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 71-3-501 through 71-3-533 as well as all pertinent rules regulations, and standards of the Tennessee Department of Human Services.

Nursery School: Private establishment enrolling four or more children between two and five years of age and where tuition fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

Occupied Area: The total of all the lot area covered by a mobile home and its accessory buildings on a lot or space.

Off Premise Sign (also off-site sign): A sign not located on the property that it advertises.

On-Premise Sign (also on-site): A sign located on the property that it advertises.

Office Center: Two or more offices having a common parking lot.

On-Premise Sign: A sign located on the property that it advertises.

Pads: The surface on which a trailer is located consisting of concrete footings and a support of the trailer.

Painted Business Sign: Any sign which is painted or inscribed directly to a wall or parapet wall of any building or structure.

Parks: An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or playbills and picnic areas.

Parking Space-Required: A paved and properly drained area enclosed or unclosed required by this Ordinance to be permanently reserved for parking 1 motor vehicle.

Perimeter Landscaped: A landscaped area intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Periphery Boundary: (See Exterior Yard)

Permitted Use: Any use specifically identified as being allowed in a zoning district and subject to the restrictions applicable to that zoning district.

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

Personal Services: Establishments which provide services which include laundry, beauty, funeral, and other services to individuals.

Planned Commercial Development: An area of a minimum contiguous size to be planned, developed, operated and maintained as a single entity containing one or more structures to accommodate commercial or office uses, or both and appurtenant common areas and other uses incidental to the predominant uses.

Planned Development: An area of a minimum contiguous size developed according to an approved plan containing one or more structures with joint use parking areas, common open areas and limited access points on to major thoroughfares.

Planned Unit Development (PUD): An area of a minimum contiguous size to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or

industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

Planting Screen: A strip of land containing trees, bushes or shrubbery which serves as a buffer between lots and/or land uses.

Plat: A map, plan or layout indicating the location and boundaries of individual properties and which may indicate structure location and horizontal measurements.

Plot: A parcel of land set aside for an individual mobile home in a mobile home park. This is often synonymous with lot.

Pole Sign: A free-standing sign supported from the ground by a pole or similar support structure of narrow width which by reason of height does not qualify as a ground sign.

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

Portable Accessory Storage Structure: A movable accessory structure which is not permanently attached to a permanent foundation, does not necessitate any grading or excavation, is not intended for habitation and which is subordinate to a nonresidential use and which is used exclusively for storage purposes.

Portable Sign: A sign which is not attached by way of a rigid, non-flexible connection to a building or the ground. Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, poles or other types of temporary or permanent anchors. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Preliminary Sketch Plat: A preliminary sketch map which depicts overall location, and dimensions of a proposed structure including lot bulk requirements which must be submitted to the Building Official for review prior to the issuance of a Building Permit.

Principal Building: A building in which is conducted the primary use of the lot on which it is located.

Principal Use: The specific primary purpose for which land or a building is used.

Professional Services: Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services architectural services and accounting services, not to include sanitariums, convalescent and rest home services.

Projecting Sign: Any sign, other than a flat wall sign, which is attached to and projects more than 12" from a building wall or other structure not specifically designed to support the sign.

Private Tree: Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.

Pruning: Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

Public Tree: Any tree in an area owned by a governmental entity.

Public Sign: Any temporary or permanent sign erected and maintained by the Town, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

Public Uses: Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

Public Utility: Any plant or equipment for the conveyance, production, transmission, delivery of or furnishing of heat, chilled air, water, light, power or water, or sewage facilities, either directly or indirectly to or for the public.

Real Estate Sign: Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease sale or sold.

Recreational Activities: Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities.

Recreational Vehicle: A vehicle which is built on a single chassis, has 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops.

Replacement Tree: Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.

Residential Identification Sign: A ground, freestanding or wall sign identifying a recognized subdivision, condominium complex, apartment complex or residential development.

Restaurant:

- a. Standard Restaurant: A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
  2. A cafeteria-type operation where foods, frozen desserts generally are consumed within the restaurant building.
- b. Carry-out Restaurant: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both the following characteristics:
1. Foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers.
  2. The consumption of foods, frozen desserts, or beverages within the restaurant building, a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited.
- c. Fast-food Restaurant: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption off the premises.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-way (ROW): A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and similar uses.

Roof Sign: any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

Schools, Parochial: An institution of learning owned and/or operated by a recognized church or religious institution.

School, Private: An institution of learning that is not parochial or public in nature.

School, Public: An institution of learning owned and/or operated by a governmental body.

Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants berms fences, walls or any appropriate combination thereof.

Service Buildings: A structure housing a toilet, laundry facilities, office or storage space.

Services: Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations: including hotels and other lodging places; establishments providing personal, business, repair and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services.

Service Station: Any facility used for dispensing or sale at retail of any motor vehicle fuels.

Sexually Oriented Business: Any commercial enterprise that exploits sex in one form or another to include: adult movie theaters, adult bookstores, adult video rental outlets, houses of prostitution, escort agencies, massage parlors, and topless/bottomless bars.

Setback: The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this Ordinance.

Sewer Connection: Consists of all pipes and fittings from the drain outlet of the mobile home to the inlet of the sewerage disposal system.

Shed: A single storied building with one or more sides unenclosed.

Shopping Center: Two or more businesses sharing a common parking lot which shall include indoor and outdoor malls.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen

Sign: Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images.

Sign Area: The area enclosed by one continuous line, connecting the extreme points or edges which shall include all lettering, wording, and accompanying design or symbols together with any background but shall exclude any necessary supports or uprights. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Height: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign Owner: The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy on a sign.

Sign Permit: A written permit granted by the Building Inspector for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

Site Plan.: A plan delineating the overall scheme of the development of a tract including all items as specified in this Ordinance.

Special Exception (also Use on Appeal): A use allowed on appeal to the Board of Zoning Appeals.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the top most floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Story, Half: A story under a slopping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed 50 percent of the floor area of the floor immediately above.

Street or Road: A way for vehicular traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations “roads” are divided into the following categories.

- a. Arterial: A major highway used primarily for heavy through traffic which will be so designated on the Selmer Major Road Plan.
- b. Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development.
- c. Cul-de-sac or Dead-end Street: A local street with only one outlet for which there are no plans for extension and no need for extension.
- d. Marginal Access Street: A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- e. Minor Residential or Local Streets: A neighborhood or commercial area street used primarily for access to the abutting properties.
- f. Public: A thoroughfare which affords the principal means of access to abutting property.
- g. Alley: A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- h. Private: Any street that prohibits or hinders public access, and any street for which the construction and the perpetual maintenance thereof shall be the expense of an individual or an homeowners association.

Street Center Lines: The center of the surface roadway or the surveyed center line of the street.

Street Line: The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.



Street Tree: Any tree within a public right-of-way along a road, street, median, or in a similar area in which the public right-of-way borders areas owned by private citizens.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Subdivision: The division of a tract or parcel of land into two or more lots, sites, or other divisions requiring new street or utility construction, or any division of land less than 5 acres, for the purpose, whether immediate or future, of sale or building development, and includes Re-subdivision and when appropriate to the context, relates to the process of re-subdividing.

Subdivision Development Sign: A ground sign identifying the construction or development of a recognized residential subdivision or condominium complex.

Subdivision Regulations: This term shall refer to the subdivision regulations adopted by and in force within the Town and the planning region.

Supplemental Tree: Any tree being planted on a site which is in addition to existing trees and replacement trees.

Temporary Building Permit:

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is towed on its own chassis composed of a frame and wheels. The structure is to be used without a permanent foundation

Temporary Sign: Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only (31 days or less) or designed to be moveable regardless of anchoring. Any sign which conveys its message by means of marquee type changeable copy letters and figures over a translucent white or yellow background which is often accompanied by a directional arrow on top and may be illuminated from within (backlit) and may contain a row of exposed lights around the perimeter frame of the sign. Any sign which visibly resembles such a sign is to be considered a portable sign. Temporary signs shall include but not be limited to street banners, posters, construction signs, real estate signs model signs, special event signs and the permanent attachment of portable signs to a site shall not change the signs to permanent signs.

Telecommunications Structure: A building, tower or other structure and equipment used for the transmission, retransmission, broadcast or promulgation's of telephone, telegraph, radio, television or other communications signals.

Tie Down Any device designed for the purpose of attaching a mobile home to ground anchors.

Time and Temperature Sign: Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

Topping: The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.

Total Floor Area: The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Toxic Materials: Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Transient Lodging: Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual.

Trailer, Travel (Recreational Vehicle): A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

Travel trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, which is identified on the unit by the manufacturer as a travel trailer, is not more than eight (8) feet in body width, is of any weight provided its body length does not exceed twenty-nine (29) feet, or is of any length provided its gross weight, factory equipped for the road, does not exceed four-thousand five-hundred (4,500) pounds.

Tree: Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.

Understory Tree: Any deciduous tree maturing at a height of less than 30 feet that would occupy the understory of a forest.

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

- a. For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.
- b. Where detailed floor plans are not available, the following shall apply:
  1. Commercial Building - usable floor area shall equal 75% of the gross floor area.
  2. Office buildings other than medical office - usable floor area shall equal 80% of the gross floor area.
  3. Medical Office Buildings - usable floor area shall equal 85% of the gross floor area.

Use: The special 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 non-conforming use.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies.

Utility Services: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

Variance: A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property. The salient points of a variance are; (1) undue hardship caused by exceptional physical irregularities of the property; (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

Vehicle Mounted Sign: Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided these facilities are located within a building.

Violation: The failure of a structure or other development to be fully compliant with the community's zoning ordinance and or building code. Also 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.

Warehouse: A structure used exclusively for the storage of merchandise or commodities.

Water Connection: Consists of all pipes and fittings from the water inlet pipe to the outlet of the water distribution system.

Wholesale Distribution of Paper Scrap and Paper Waste Materials: Establishments primarily engaged in assembly, breaking up, sorting, and wholesale distribution of paper scrap and paper waste materials.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies.

Window Sign: Any on-premise business sign installed in or on a window and intended to be viewed from the outside.

Yards: Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this

Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

- a. "Front Yard": The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.
- b. "Side Yard": The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.
- c. "Rear Yard": A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Districts: Any section of the Town for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

## CHAPTER III

### GENERAL PROVISIONS

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

11-301. Zoning Affects Every Building and Use - No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

11-302. Continuance of Non-Conforming Uses and Structures It is the intent of this Ordinance to recognize that the elimination as expeditiously as reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

- A. A non-conforming building or buildings, housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. The provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
- B. Any non-conforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damage of the extent is more than fifty (50) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.
- C. Except as provided in Tennessee Code Annotated 13-7-208, a non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
- D. An existing non-conforming use of a building or land may be changed to a conforming use or to another non-conforming use of the same classification or a classification less detrimental to the district in which it is located.
- E. No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except as herein provided.

- F. When a non-conforming use of any building or land has ceased for a period of six (6) months, it shall not be re-established.
- G. Non-conforming commercial, business, or industrial use created after the passage of Tennessee Code Annotated 13-7-208 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for expansion of the property owned by such business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.

11-303. Corner Lots On lots located at the intersection of two streets, the frontage on both streets shall be considered as front yards, the other two yards shall be considered side yards for the purpose of this Ordinance. The opposing yards shall be side yards.

11-304. Obstruction of Vision at Street Intersection Prohibited No structure, planting, object, or sign which obstructs visibility shall be placed on a corner lot within the area defined by a distance of twenty-five (25) feet along the right-of-way lines of the intersecting streets from their point of intersection at the corner and a line connecting the end points on the right-of-way lines to form an equilateral triangle. Any object between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof shall be deemed as obstructing vision under the provision of this Ordinance. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

11-305. Off-Street Loading and Unloading Space Every building or structure used for business or trade shall provide adequate space for loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. Each loading space shall be at least twelve (12) feet wide, fifty (50) feet long, with a vertical clearance of at least fourteen (14) feet.

11-306. Erection of More than One Principal Structure on a Lot In any R-1, R-2, R-2D, R-3, or R-4 District not more than one structure housing a permitted or permissible principal use may be erected on a single lot except for multi-family and mobile home parks as specified in the particular district provisions.

11-307. Reduction in Lot Area Prohibited No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so the yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-308. Required Yard Cannot be Used by Another Building No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.

11-309. Rear Yard Abutting a Public Street When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property than the distance required side yards on adjoining properties fronting on that street.

11-310. Access Control - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed twenty-five (25) feet in width for one-way, thirty-five (35) for two-way ingress and/or egress. In instances of daily tractor-trailer traffic, points of access up to fifty (50) feet in width may be granted on a case by case basis unless prohibited by the governing regulations of the Tennessee Department of Highways.
- B. On lots less than 100 feet in width shall have no more than one (1) point of access to any one (1) public street. Lots greater than 100 feet in width but less than 300 feet shall have no more than two (2) points of access to any one (1) public street. Lots in excess of 300 feet may have additional point of access for each additional 150 feet of frontage.
- C. No point of access shall be allowed within thirty (30) feet of the right-of-way of any public street intersection.
- D. No curbs shall be altered or drainage ditches covered for the purpose of access without written approval by the Building Inspector. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles onto the sidewalk area.
- E. No curbs on Town streets or right-of-ways shall be cut or altered without written approval of the Building Inspector.
- F. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

- G. 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.

11-311. Accessory Buildings, Structures, and Uses – Accessory buildings, structures, and uses shall include private garages, carports, gazebos, sheds, and other accessory uses customarily incidental to the permitted uses and uses permissible on appeal. The following provisions shall prevail unless otherwise specified in the districts requirements or other sections of the Zoning Ordinance.

- A. No accessory building or structures shall be utilized for habitable space.
- B. No accessory building or structures shall be utilized for human occupations.
- C. No accessory building or structures shall extend into the required front or side yard area unless located on a corner lot. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.
- D. No mobile home, manufactured home, modular home, travel trailer unit, tractor trailer, or motor home shall be utilized as accessory buildings or structures.
- E. All accessory buildings shall be located a minimum of 10 feet from any property line.
- F. All accessory buildings shall be separated from the primary structures by 10 feet. (See also height restrictions in each specific district, structures may be regulated by height.)
- G. Accessory buildings, structures, and uses on corner lots shall conform with the front yard setback for both adjoining streets for that district.
- H. No accessory building or buildings shall cover more than 30 percent of the rear yard. Accessory buildings, structures, and uses on corner lots shall not cover more than 30 percent of the total yard areas opposite the front yards (side yards as per 11-303).
- I. Within all residential districts accessory uses such as satellite dishes, swimming pools, courts, which are permanently constructed or have a permanent foundation shall be screened, fenced or recessed so as to not to be noticeable from the adjoining residentially zoned properties.

11-312. Street Frontage - All lots must front on a public street for a distance of at least fifty (50) feet, and must maintain a width of at least fifty (50) feet to the building line. Residential lots along the end of a permanent cul-de-sac may abut the street for only thirty-five (35) feet provided the minimum width at the building line is met.

11-313. Mobile Homes - The use of a mobile home as a dwelling unit or for storage on any lot other than a licensed and approved mobile home park for a period of more than thirty (30) days is prohibited. Mobile home parks must comply in all



respects with Tennessee Code Annotated and any other provision of this ordinance, and all other Town codes and ordinances pertaining to mobile home parks.

11-314. Manufactured Residential Dwellings: In accordance with Tennessee Code Annotated Section 13-24-201, this Zoning Ordinance shall not be used to exclude the placement of a residential dwelling on land designated for residential use solely because the dwelling is partially or completely constructed in a manufacturing facility.” 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 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 residential dwellings" does not include "mobile home." as herein defined and as further defined in Tennessee Code Annotated Section 13-24-201. This term does not “apply to factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis...”

- A. The unit must be installed on a continuous, permanent, masonry wall with the appearance of a conventional load-bearing foundation wall and appropriate venting and access in order to have a site-built appearance as allowed by Tennessee Code Annotated Section 13-24-202. Manufactured Residential Dwellings in Flood Hazard areas must comply with the requirements in Chapter XII of this Ordinance.
- B. The home must be covered with an exterior material customarily used on site-built dwellings.
- C. The hitches or towing apparatus, axles and wheels must be removed.
- D. The roof must be pitched so there is at least a 3.57-inch vertical rise for each 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.
- E. The unit must be oriented on the lot so that its long axis is parallel with the street of frontage.
- F. All such units shall be required to connect to a public utility system which includes, electricity, water and sewer in compliance with the International Building Code, other national, state, and local codes.
- G. These provisions shall not apply to manufactured homes in an approved mobile home park.

11-316. Placement of Travel Trailer Units

- A. The use of a travel trailer or motor home as a dwelling unit for storage on any lot, other than a licensed trailer park or licensed travel trailer park, for more than 15 days is prohibited.
- B. Any Travel Trailer that is connected to utilities shall be assumed to be used as a dwelling unit until such travel trailer or mobile home is disconnected from utilities.
- C. After 15 days in a travel trailer park or trailer park, the owner of said travel trailer unit is required to obtain a temporary building permit.
  - 1. The temporary building permit will allow the use of the structure on the site for a period of six (6) months.
  - 2. A temporary building permit may not be extended more than two (2) consecutive terms for a period of six (6) months each time, unless the travel trailer unit is being used in conjunction with a public project.
  - 3. A fee of \$10 will be required for the issuance of each temporary building permit.
- D. All recreational vehicles placed on identified flood hazard sites must adhere to the requirements of Chapter XII, Section 11-1205(B)(4)(e) of this ordinance.

## CHAPTER IV

### ESTABLISHMENT OF DISTRICTS

11-401. Classification of Districts - For the purpose of this Ordinance, Selmer, Tennessee is hereby divided into twelve (12) districts, designated as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-2D	Medium Density Residential/Duplex
R-3	High-Density Residential
R-4	High Density Residential/Mobile Home Park
B-1	General Business
B-2	Central Business
O-1	Office District
H-1	Hospital
M-1	Industrial
S-I	Special-Impact Industrial
F-H	Special Flood Hazard District

11-402. Boundaries of Districts

- A. The boundaries of districts in Section 11-401 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Zoning Map of Selmer, Tennessee," which is a part of this Ordinance and which is on file in the city hall.
- B. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact location of district boundaries shall be determined by the Board of Zoning Appeals.
- C. Where a district boundary divides a lot, as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.
- D. Boundaries indicated as approximately following flood hazard areas are approximations for administrative purposes. For more definitive boundaries, refer to appropriate FIRM as named in 11-1203, Section B;

## CHAPTER V

### PROVISION GOVERNING RESIDENTIAL DISTRICTS

11-501. R-1 (Low-Density Residential) Districts. Within the R-1 (Low-Density Residential) Districts as shown on the zoning map of Selmer, Tennessee, the following regulations shall apply:

#### A. Uses Permitted

1. Single-family dwellings
2. Manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 11-315 of this Ordinance.
3. Accessory structures, buildings, and uses customarily incidental to the aforementioned permitted use.
4. Customary incidental home occupations as provided for in Chapter XI.
5. Signs as permitted in accordance with regulations established in Chapter X.

#### B. Special Exceptions.

1. Railroad Transportation limited to right-of-way (4111);
2. Highway and Street Right of Way (45);
3. Personal Services limited to Cemeteries (6242);
4. Governmental Services limited to protective services such as Police and Fire (672);
5. Educational Services limited to primary and secondary education (68);
6. Miscellaneous Services including churches, synagogues, and temples (69);
7. Recreational Activities (74); excluding riding stables (7416)
8. Family Day Care Services limited to maximum of 5 children and in accordance with the conditions established in Chapter XI;

9. No building permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the character of the district in which the proposed use is located;

C. Uses Prohibited

1. Mobile homes on individual lots.
2. Any other use not specifically permitted or Special Exceptions.

D. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.

E. 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 dwelling 20,000 sq. ft.
  - b. Churches Two (2) acres or 200 sq. feet of lot area per auditorium seat, whichever is greater.
  - c. Schools Five (5) acres plus one (1) acre for each 100 students.
  - d. Other uses As required by the Board of Zoning Appeals.
2. Minimum required lot width at the building line.
  - a. Single-family 80 feet
  - b. Churches 200 feet
  - c.. Other uses As required by the Board of Zoning Appeals

3. Minimum required front yard
  - a. Single-family dwellings 40 feet
  - b. Churches 50 feet
  - c. Other uses 40 feet or more as required by the Board of Zoning Appeals.
  
4. Minimum required rear yard.
  - a. Single-family dwellings 30 feet
  - b. Churches 30 feet
  - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.
  
5. Minimum required side yard on each side of lot.
  - a. Single-family dwellings 20 feet
  - b. Churches 30 feet
  - c. Other uses 15 feet or more as required by the Board of Zoning Appeals.
  
6. Maximum lot coverage by all buildings.
  - a. Single-family dwellings and accessories 30%
  - b. Churches 25%
  - c. Other uses 30% or less as required by the Board of Zoning Appeals.

7. Maximum permitted height of structures.
  - a. 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 fifty-five (55) feet, however on a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height, whichever is less.
  - b. No accessory building shall exceed twenty (20) feet in height.
  - c. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Minimum Off-Street Parking Requirements

(As required in Chapter XI of this Ordinance.)

G. Sketch/Site Plan Review

Prior to the issuance of a building permit, a scaled sketch plan or site plan review is required in accordance with Chapter XIV of this ordinance. Once the sketch/site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The Codes Department shall maintain a copy of the sketch plan in the permanent files of the Town.

11-502. R-2 (Medium-Density) Residential. Within the R-2 Residential Districts as shown on the Zoning Map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family dwellings
2. Manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 11-315 of this Ordinance.
3. Accessory structures, buildings, and uses customarily incidental to the aforementioned permitted use.
4. Customary incidental home occupations as provided for in Chapter XI.
5. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exceptions.

1. Railroad Transportation limited to right-of-way (4111);
2. Highway and Street Right of Way (45);
3. Personal Services limited to Cemeteries (6242);
4. Governmental Services limited to protective services such as Police and Fire (672);
5. Educational Services limited to primary and secondary education (68);
6. Miscellaneous Services including churches, synagogues, and temples (69);
7. Recreational Activities (74);
8. Family Day Care Services limited to maximum of 5 children and in accordance with the conditions established in Chapter XI;
9. No building permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals

C. Uses Prohibited

1. Mobile homes on individual lots.
2. Any other use not specifically permitted or Special Exceptions.

D. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.



E. 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 dwelling 12,500 sq. ft.
  - b. Churches Two (2) acres or 200 sq. feet of lot area per auditorium seat, whichever is greater.
  - c. Schools Five (5) acres plus one (1) acre for each 100 students.
  - d. Other uses As required by the Board of Zoning Appeals.
  
2. Minimum required lot width at the building line.
  - a. Single-family dwellings 60 feet
  - b. Churches 150 feet
  - c. Other uses As required by the Board of Zoning Appeals
  
3. Minimum required front yard
  - a. Single-family dwellings 25 feet
  - b. Churches 30 feet
  - c. Other uses 40 feet or more as required by the Board of Zoning Appeals.
  
4. Minimum required rear yard.
  - a. Single-family dwellings 30 feet
  - b. Churches 30 feet
  - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.
  
5. Minimum required side yard on each side of lot.
  - a. Single-family dwellings 20 feet
  - b. Churches 30 feet
  - c. Other uses 15 feet or more as

required by the Board of Zoning Appeals.

6. Maximum lot coverage by all buildings.

- |    |   |   |
|----|---|---|
| a. | Single-family dwellings and accessories | 30%   |
| b. | Churches                                | 25%   |
| c. | Other uses                              | 30% or less as required by the Board of Zoning Appeals. |

7. Maximum permitted height of structures.

- a. 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 fifty-five (55) feet, however on a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height, whichever is less.
- b. No accessory building shall exceed twenty (20) feet in height.
- c. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Minimum Off-Street Parking Requirements

(As required in Chapter XI of this Ordinance.)

G. Sketch/Site Plan Review

Prior to the issuance of a building permit, a scaled sketch plan review, or site plan review is required in accordance with Chapter XIV of this ordinance. Once the required sketch plan or site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The Codes Department shall maintain a copy of the sketch plan or site plan in the permanent files of the Town.

11-503 R-2D (Medium Density Residential/Duplex) Residential. Within the R-2 (Medium-Density) Residential Districts as shown on the Zoning Map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family dwellings and duplexes
2. Manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 11-315 of this Ordinance.
3. Accessory structures, buildings, and uses customarily incidental to the aforementioned permitted use.
4. Customary incidental home occupations as provided for in Chapter XI.
5. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exceptions.

1. Railroad Transportation limited to right-of-way (4111);
2. Highway and Street Right of Way (45);
3. Personal Services limited to Cemeteries (6242) ;
4. Governmental Services limited to protective services such as Police and Fire (672);
5. Educational Services limited to primary and secondary education (68);
6. Miscellaneous Services including churches, synagogues, and temples (69);
7. Recreational Activities (74);
8. Family Day Care Services limited to maximum of 5 children and in accordance with the conditions established in Chapter XI;
9. No building permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the character of the district in which the proposed use is located;

C. Uses Prohibited

1. Mobile homes on individual lots.
2. Any other use not specifically permitted or Special Exceptions.

D. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.

E. 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 dwelling 6,000 sq. ft.
  - b. Duplex 7500 sq. ft.
  - c. Churches Two (2) acres or 200 sq. feet of lot area per auditorium seat, whichever is greater.
  - d. Schools Five (5) acres plus one (1) acre for each 100 students.
  - e. Other uses As required by the Board of Zoning Appeals.
2. Minimum required lot width at the building line.
  - a. Single-family and duplexes 50 feet
  - b. Churches 100 feet
  - c. Other uses As required by the Board of Zoning Appeals
3. Minimum required front yard
  - a. Single-family and duplex dwellings 25 feet
  - b. Churches 30 feet
  - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.
4. Minimum required rear yard.
  - a. Single-family and duplex dwellings 15 feet
  - b. Churches 25 feet
  - c. Other uses 15 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard on each side of lot.
  - a. Single-family and duplex dwellings 10 feet
  - b. Churches 25 feet
  - c. Other uses 10 feet or more as required by the Board of Zoning Appeals.
  
6. Maximum lot coverage by all buildings.
  - a. Single-family and duplex dwellings and accessories 50%
  - b. Churches 35%
  - c. Other uses 50% or less as required by the Board of Zoning Appeals.
  
7. Maximum permitted height of structures.
  - a. 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 fifty-five (55) feet, however on a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height, whichever is less.
  - b. No accessory building shall exceed twenty (20) feet in height.
  - c. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Minimum Off-Street Parking Requirements.

(As required in Chapter XI of this Ordinance.)

G. Sketch/Site Plan Review

Prior to the issuance of a building permit, a scaled sketch plan review, or site plan review is required in accordance with Chapter XIV of this ordinance. Once the required sketch plan or site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The Codes Department shall maintain a copy of the sketch plan or site plan in the permanent files of the Town.

11-503. R-3 (High Density Residential) Districts. The purpose of the high density district is to specify areas with the appropriate infrastructure to maintain the traffic and utility demands of multiple family complexes while allowing for the maximization of land use, the relatively-increased density and reduction of development costs, as well as the increased efficiency in the use of each lot without sacrificing the health, safety, or welfare of the residents of such districts. Within the R-3 (High-Density Residential) Districts as shown on the zoning map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family dwellings
2. Duplexes
3. Townhouses and multi-family dwellings
6. Manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 11-315 of this Ordinance.
7. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use.
8. Customary incidental home occupations as provided for in Chapter XI.
9. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exceptions.

1. Railroad Transportation limited to right-of-way (4111);
2. Highway and Street Right of Way (45);
3. Personal Services limited to Cemeteries (6242) ;
4. Governmental Services limited to protective services such as Police and Fire (672);
5. Educational Services limited to primary and secondary education (68);
6. Miscellaneous Services including churches, synagogues, and temples (69);
7. Recreational Activities (74);
8. Family Day Care Services limited to maximum number of 5 children and in accordance with the conditions established in Chapter XI;
9. Accessory structures, buildings, and uses customarily incidental to any aforementioned special exception.
  
10. No building permit for any Special Exception or accessory to such shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the character of the district in which the proposed use is located.

C. Uses Prohibited

1. Mobile Home Parks or Travel Trailer Parks
2. Mobile homes or Travel Trailers on individual lots
3. Any other use not specifically permitted or Special Exceptions.

D. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.

E. 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 dwelling 6,000 sq. ft.
  - b. Duplex 8,500 sq. ft.
  - c. Churches Two (2) acres or 200 sq. feet of lot area per auditorium seat, whichever is greater.
  - d. Schools Five (5) acres plus one (1) acre for each 100 students.
  - e. Other uses As required by the Board of Zoning Appeals.
2. Minimum required lot width at the building line.
  - a. Single-family 50 feet
  - b. Churches 100 feet
  - c. Other uses As required by the Board of Zoning Appeals
3. Minimum required front yard
  - a. Single-family and duplex dwellings 25 feet
  - b. Churches 30 feet
  - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.
  - a. Single-family and duplex dwellings 15 feet
  - b. Churches 25 feet
  - c. Other uses 15 feet or more as required by the Board of Zoning Appeals.
  
5. Minimum required side yard on each side of lot.
  - a. Single-family dwellings and single duplexes (See G. for multiple duplexes) 15 feet
  - story buildings 10 feet
  - Three (3) story buildings 15 feet
  - b. Churches 25 feet
  - c. Other uses 10 feet or more as required by the Board of Zoning Appeals.
  
6. Maximum lot coverage by all buildings.
  - a. Dwellings, duplexes and accessories 50%
  - b. Churches 35%
  - c. Other uses 50% or less as required by the BZA.
  
7. Maximum permitted height of structures.
  - a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless 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 fifty-five (55) feet, however on a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  - b. No accessory building shall exceed two (2) stories in height.
  - c. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height



provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Minimum Off-Street Parking Requirements.

(As required in Chapter XI, General Provisions, of this Ordinance).

G. Multi-Family Dwellings, Multiple Duplexes on a Single Tract, and Townhouses

In the case of a multiple-family complex or development to be constructed on a single tract with one or more structures which is not subdivided into customary lots, and which will not be subdivided, the following area regulations shall apply:

1. Minimum required lot area
  - a. Townhouse 6,000 sq. ft. per unit
  - b. Multi-family dwellings 7,000 sq. ft. for the first dwelling unit plus 2,500 sq. ft. for each additional dwelling unit
  - c. Duplex 9,500 sq. ft per duplex
  
2. Maximum lot coverage of all buildings (Townhouses subdivided into individual lots shall be measured in relation to the overall acreage for the total development not as individual units on individual lots provided the total lot coverage does not exceed this standard, if later subdivisions occur.)

Thirty-five (35) percent.
  
3. Minimum lot width at building line One hundred twenty (120) feet.

4. Minimum perimeter requirements for the overall development.
  - a. Minimum required front yard Twenty-five (25) feet
  - b. Minimum required rear yard Fifteen (15) feet
  - c. Minimum required side yard on each side of lot Fifteen (15) feet
  
5. Minimum requirements for building space within the developments of more than one (1) principal structure (except for duplexes which will be evaluated so that subsequent subdivision may be permitted, therefore, these requirements should be doubled).
  - a. Minimum spacing between front and rear of buildings Twenty-five (25) feet
  - b. Minimum spacing between sides of buildings Fifteen (15) feet

H. Site Plan Review

Prior to the issuance of a building permit of multi-family dwellings or townhouses, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Department shall maintain a copy of the site plan in the permanent files of the Town. (Single Family Dwellings and single duplexes shall submit a scaled sketch plat, as defined in Chapter XIV, to the Building Official in lieu of a Site Plan).

11-504. R-4 (High Density Residential/Mobile Home Park) Districts. Within the R-4 (High-Density/Mobile Home Park) Districts as shown on the zoning map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family dwellings
2. Duplexes
3. Townhouses and multiple family dwellings shall be permitted 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 Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicular 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 require provision of well designed and supplied play spaces, the power to specify access points and driveways and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of the proposed buildings, the power to specify building materials or colors, or other similar powers. Specific requirements are located below .
4. Manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 11-314 of this Ordinance.
5. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use.
6. Customary incidental home occupations as provided for in Chapter XI.
7. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exceptions.

1. Mobile home parks including additions and expansion of existing mobile home parks subject to approval of the Board of Zoning Appeal as a Special Exception in B10 below, as well as a review and approval of a site plan in accordance with Chapter XV, Section 11-1107 as well as site plan review and approval by the Planning Commission in accordance with the provisions of 11-1107 of this Zoning Ordinance, other applicable zoning ordinance provision in addition to any other applicable local, state, or federal regulations.
2. Railroad Transportation limited to right-of-way (4111);
3. Highway and Street Right of Way (45);

4. Personal Services limited to Cemeteries (6242);
5. Governmental Services limited to protective services such as Police and Fire (672);
6. Educational Services limited to primary and secondary education (68);
7. Miscellaneous Services including churches, synagogues, and temples (69);
8. Recreational Activities (74);
9. Family Day Care Services limited to maximum number of 5 children and in accordance with the conditions established in Chapter XI;
10. No building permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the character of the district in which the proposed use is located.

C. Uses Prohibited

Any other use not specifically permitted or Special Exceptions.

D. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.

E. 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 dwelling 6,000 sq. ft.
  - b. Duplex 8,500 sq. ft.
  - c. Townhouse 6,000 sq. ft. per unit
  - d. Multi-family 7,000 sq. ft. for the first dwelling unit plus 2,500 sq. ft. for each additional dwelling unit
  - e. Churches Two (2) acres or 200 sq. feet of lot area per auditorium seat, whichever is greater.
  - f. Schools Five (5) acres plus one (1) acre for each 100

- students.
- g. Other uses As required by the Board of Zoning Appeals.
2. Minimum required lot width at the building line.
    - a. Single-family 50 feet
    - b. Duplexes 60 feet
    - c. Townhouses 100 feet
    - d. Churches 100 feet
    - e. Other uses As required by the Board of Zoning Appeals
  3. Minimum required front yard
    - a. Single-family and duplex dwellings 25 feet
    - b. Churches 30 feet
    - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.
  4. Minimum required rear yard.
    - a. Single-family and duplex dwellings 15 feet
    - b. Duplexes 15 feet
    - c. Townhouses 15 feet
    - d. Multi-family 15 feet
    - e. Churches 25 feet
    - f. Other uses 15 feet or more as required by the Board of Zoning Appeals.
  5. Minimum required side yard on each side of lot.
    - a. Single-family dwellings, duplexes 15 feet
    - b. Townhouses, and multi-family Dwellings 10 feet
    - One (1) or two (2) story buildings 10 feet

- |    |                           |   |
|----|---------------------------|---|
|    | Three (3) story buildings | 15 feet   |
| c. | Churches                  | 25 feet   |
| d. | Other uses                | 10 feet or more as required by the Board of Zoning Appeals. |
6. Maximum lot coverage by all buildings.
- |    |                                     |                                     |
|----|-------------------------------------|-------------------------------------|
| a. | Dwellings, duplexes and accessories | 50%                                 |
| b. | Townhouses and accessories          | 60%                                 |
| c. | Multi-family and accessories        | 60%                                 |
| d. | Churches                            | 35%                                 |
| e. | Other uses                          | 50% or less as required by the BZA. |
7. Maximum permitted height of structures.
- |    |  |  |
|----|--|--|
| a. | No building shall exceed three (3) stories or thirty-five (35) feet in height unless 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 fifty-five (55) feet, however on a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height. |  |
| b. | No accessory building shall exceed two (2) stories in height.  |  |
| c. | Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.   |  |

F. Minimum Off-Street Parking Requirements.

(As required in Chapter XI, General Provisions, of this Ordinance).

G. Multiple-Family Complexes and Apartments

In the case of a multiple-family complex or development to be constructed on a single tract with one or more structures which is not subdivided into customary lots, and which will not be subdivided, the following area regulations shall apply:

- |    |                           |   |
|----|---------------------------|---|
| 1. | Minimum required lot area | 7,000 square feet for the first dwelling unit plus 2,500 square feet for each additional dwelling unit. |
|----|---------------------------|---|

- |    |   |                                |
|----|---|--------------------------------|
| 2. | Maximum lot coverage  | Thirty-five (35) percent.      |
| 3. | Minimum lot width at building line  | One hundred twenty (120) feet. |
| 4. | Minimum perimeter requirements for the overall development.   |                                |
| a. | Minimum required front yard   | Twenty-five (25) feet          |
| b. | Minimum required rear yard  | Fifteen (15) feet              |
| c. | Minimum required side yard on each side of lot  | Fifteen (15) feet              |
| 5. | Minimum requirements for building space within the developments of more than one (1) principle structure. |                                |
| a. | Minimum spacing between front and rear of buildings   | Twenty-five (25) feet          |
| b. | Minimum spacing between sides of buildings  | Fifteen (15) feet              |

H. Site Plan Review

Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Department shall maintain a copy of the site plan in the permanent files of the Town. (Single Family Dwellings and Duplexes shall submit a scaled sketch plat, as defined in Chapter XIV, to the Building Official in lieu of a Site Plan).

## CHAPTER VI

### PROVISIONS GOVERNING BUSINESS DISTRICTS

11-601. B-1 (General Business) Districts - The purpose of the B-1 (General Business) District shall be considered a general highway commercial-service oriented district. The purpose of this district is to provide retail and service trades along roadways and thoroughfares capable of supporting heavy traffic. Within the B-1 (General Business) Districts as shown on the Zoning Map of Selmer, Tennessee, the following regulations shall apply:

#### A. Uses Permitted

1. Transient Lodgings (15);
2. Railroad Transportation (4111);
3. Highway and Street right of way (45);
4. Local Passenger Transit (41) Limited to
  - Local and Suburban Transportation (411)
  - Local and suburban transit (4111)
  - Local passenger transportation, NEC (4119)
  - Taxicabs (412)
  - Taxicabs (4121)
  - Intercity and Rural Bus Transportation (413)
  - Intercity & rural bus transportation (4131)
  - Bus Charter Service (414)
  - Local bus charter service (4141)
  - Bus charter service, except local (4142)
  - School Buses (415)
  - School buses (4151)
  - Bus Terminal and Service Facilities (417)
  - Bus terminal and service facilities (4173)
  
  - Trucking & Courier Service, Ex. Air (421)
  - Local trucking, without storage (4212)
  - Trucking, except local (4213)
  - Local trucking with storage (4214)
  - Courier services, except by air (4215)
  - Trucking Terminal Facilities (423)
  - Trucking terminal facilities (4231)
5. Water Transportation (44) Limited to (Offices Only)
  - Deep Sea Foreign Trans. of Freight (441)



- Deep sea foreign trans. of freight (4412)
- Deep Sea Domestic Trans. of Freight (442)
- Deep sea domestic trans. of freight (4424)
- Freight Trans. on the Great Lakes (443)
- Freight trans. on the Great lakes (4432)
- Water Transportation of Freight, NEC (444)
- Water transportation of freight, NEC (4449)
- Water Transportation of Passengers (448)
- Deep sea passenger trans., ex. Ferry (4481)
- Ferries (4482)
- Water passenger transportation, NEC (4489)
- Water Transportation Services (449)
- Marine cargo handling (4491)
- Towing and tugboat service (4492)
- Marinas (4493)
- Water transportation services, NEC (4499)

6. Transportation By Air 45 Limited to (Offices Only with accompanying Accessory Structures)

- Air transportation, scheduled (451)
- Air transportation, scheduled (4512)
- Air courier services (4513)
- Air Transportation, Nonscheduled (452)
- Air transportation, nonscheduled (4522)
- Airports, Flying fields, & Services (458) (Offices Only)
- Airports, flying fields, & services (4581) (Offices Only)

7. Transportation Services (47)

- Passenger Transportation Arrangement (472)
- Travel agencies (4724)
- Tour operators (4725)
- Passenger transport arrangement, NEC (4729)
- Freight Transportation Arrangement (473)
- Freight transportation arrangement (4731)
- Rental of Railroad cars (474)
- Rental of railroad cars (4741)
- Miscellaneous Transportation Services (478)
- Packing and crating (4783)
- Inspection & fixed facilities (4785)
- Transportation services, NEC (4789)

8. Retail Trade

- a. Building Materials, Hardware and Farm Equipment (52)
- b. General Merchandise (53)

- c. Food (54)
  - d. Automotive, Marine Craft, Aircraft and Accessories (55)
  - e. Apparel and Accessories (56)
  - f. Furniture, Home Furnishing and Equipment (57)
  - g. Eating and Drinking (58)
  - h. Other Retail Trade, Not Elsewhere Coded (59) limited to
    - (i) Drug and Proprietary
    - (ii) Antiques
    - (iii) Books and Stationery
    - (iv) Sporting Goods and Bicycles
    - (v) Farm and Garden Supplies
    - (vi) Jewelry
    - (vii) Fuel and Ice
    - (viii) Florists
    - (ix) Newspaper and Magazines
    - (x) Cigars and Cigarettes
    - (xi) Cameras and Photographic Supplies
    - (xii) Gifts, Novelties, and Souvenirs
    - (xiii) Optical Goods
9. Services
- a Finance, Insurance and Real Estate Services (61)
  - b Personal Services (62) (except Adult Oriented Businesses)
  - c Business Services (63), excluding warehousing, storage services, and stockyards, providing that personal storage (mini-warehousing) shall be allowed.
  - d Repair Services (64) including automobile body shops
  - e Professional Services (65)
  - f Contract Construction Services (66)
  - g Governmental Services limited to (671), (672), and (673)
  - h Educational Services (68)
  - i Miscellaneous Services (69) including churches, synagogues, and temples
  - j Pet Veterinarian and Pet Grooming excluding livestock, swine, and equine care or any clinic involving outside treatment, recovery, or storage.
10. Amusements (73);

11. Recreational Activities (74);
12. Resorts and group camps (75), excluding Travel Trailer or Recreational Vehicle Parks
13. Parks (76);
14. Other cultural, entertainment, and recreational activities NEC;
15. Commercial Child Care Facility, Assisted Living Facilities, Nursing and Convalescent Homes, Adult Day Care, and Homes for the Aged;
16. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations;
17. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exception

1. Communications (471) in accordance with regulations specified in Chapter XI.
2. Travel Trailer or Recreational Vehicle Parks;
  - a. The parks must have access only from an arterial road.
  - b. All recreational parks shall be located at minimum 30 ft. from all roads of frontage.
  - c. The parks must have screening of at least 10ft. in height to shield the park from public view.
  - d. The development will adhere to requirements of Chapter III, Section 11-316, Chapter XII, Section 11-1205(B)(4)(e), and the other requirements in this section.
  - e. A site plan shall be presented to the Board of Zoning Appeals.
  - f. Recommendations shall be provided by the staff Planner prior to the final decision by the Board of Zoning Appeals.
3. Any other use which in the opinion of the Board of Zoning Appeals is of the same land use category, based on the Standard Land Use Coding Manual and not detrimental to the neighborhood.

C. Uses Prohibited

Any use not specifically permitted or Special Exceptions.

D. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Heights

- |    |   |  |
|----|---|--|
| 1. | Minimum required lot area                       | No minimum requirements  |
| 2. | Minimum required lot width at the building line | No minimum requirements  |
| 3. | Minimum required front yard                     | Twenty-five (25) ft.   |
| 4. | Minimum required rear yard                      | Twenty (20) feet, provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) feet.   |
| 5. | Minimum required side yard                      | A periphery side yard shall be required for all developments within the B-1 (General Business) District of 10 feet, provided that when the B-1 (General Business) District lot adjoins a residential district along the side yard, the minimum side yard shall be 15 feet  |
| 6. | Maximum permitted height of structures          |  |
|    | a.  | No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed fifty-five (55) feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.  |
|    | b.  | No accessory building shall exceed 20 feet in height.  |
|    | c.  | Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision). |

F. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter XI.

G. Site Plan Review

Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

H. Permit Procedures  
(See Chapter XIV)

11-602. B-2 (Central Business) District - The B-2 district is intended to preserve the health, safety, function, character, and aesthetic qualities of commercial development in the downtown area of our community. Within the B-2 (Central Business) District as shown on the Zoning Map of Selmer, Tennessee the following regulations shall apply:

A. Uses Permitted

1. Railroad Transportation (4111);
2. Highway and Street right of way (45);
3. Automobile Parking (46);
4. Utilities limited to Electric (481), Gas (482), Water (483), Sewage Disposal (484);
5. Retail Trade
  - a. Building Materials, Hardware and Farm Equipment (52)
  - b. General Merchandise (53)
  - c. Food (54)
  - d. Apparel and Accessories (56)
  - e. Furniture, Home Furnishing and Equipment (57)
  - f. Eating and Drinking (58)
  - g. Other Retail Trade, Not Elsewhere Coded (59) limited to
    - (i) Drug and Proprietary
    - (ii) Antiques
    - (iii) Books and Stationery
    - (iv) Sporting Goods and Bicycles
    - (v) Farm and Garden Supplies
    - (vi) Jewelry
    - (vii) Florists
    - (viii) Newspaper and Magazines
    - (ix) Cigars and Cigarettes
    - (x) Cameras and Photographic Supplies
    - (xi) Gifts, Novelties, and Souvenirs
    - (xii) Optical Goods
6. Finance, Insurance, and Real Estate Services (61);
7. Personal Services (62), excluding cemeteries;
8. Business Services (63) excluding Warehousing and Storage (637), and Other Business Services Not elsewhere coded (639)

9. Repair Services (64) excluding Automobile Repair (641);
10. Professional Services (65) excluding Medical Services (6513), and Sanitarium and Convalescent Homes (6516);
11. Contract Construction Services (66) excluding Special construction trade services (662);
12. Governmental Services limited to Police (671), Fire (672), and Postal Service (673);
13. Miscellaneous Services including churches, synagogues, and temples (69);
14. Cultural Activities and Nature Exhibitions (71);
15. Parks (76);
16. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile, manufactured, or modular structure.
17. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exception

1. Multi-Family dwellings provided the following conditions are met:
  - a. The residences shall be located above the ground floor and contain a separate outside entrance.
  - b. No more than 50% of the structure shall be allowed to be used for multi-family or residential use.
  - c. Adequate parking shall be accessible within 200 feet of the apartment.
  - d. The character of the building as a commercial structure shall not be changed by the addition of the residential use.
  - e. A site plan and construction documents prepared by the appropriate licensed professional shall be presented to the Planning Commission. Documents shall be stamped and certified by the architect certifying compliance with the International Building Code, the appropriate Life Safety Code and all other fire, electrical and plumbing codes.
  - f. Recommendations shall be provided by the staff Planner prior to the final decision by the Planning Commission.

C. Uses Prohibited

Any use not specifically permitted or Special Exceptions.

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Heights

- |                               |                         |
|-------------------------------|-------------------------|
| 1. Minimum required lot area  | No minimum requirements |
| 2. Minimum required lot width |                         |

- |    |  |  |
|----|--|--|
| 3  | at the building line<br>.Minimum required front yard | No minimum requirements.<br>No minimum requirements, however, new buildings construct-ed. equal to or at an average with existing adjacent structures.   |
| 4  | Minimum required rear yard                           | No minimum requirements, however, new buildings construct-ed. equal to or at an average with existing adjacent structures.   |
| 5  | Minimum required side yard                           | No minimum requirements, however, new buildings construct-ed. equal to or at an average with existing adjacent structures.   |
| 6. | Maximum permitted height of structures               | <ul style="list-style-type: none"> <li>a. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.</li> <li>b. No accessory building shall exceed 20 feet in height.</li> <li>c. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).</li> </ul> |

E. Parking Requirements

This district shall be exempt from the mandatory off-street parking spaces requirements outlined in Chapter XI.

F. Site Plan Review

Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

G. Permit Procedures

(See Chapter XIV)



## CHAPTER VII

### PROVISIONS GOVERNING OFFICE DISTRICT

11-701. O-1 (Office) District - The intent of the O (Office) District is to provide for a transitional buffer that provides office activities that are low traffic generators, may be located near residential areas, and are served by all municipal services located on arterial and collector status streets. Within the O-1 (Office) District as shown on the zoning map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Railroad Transportation (4111);
2. Highway and Street right of way (45);
3. Automobile Parking (46);
4. Utilities limited to Electric (481), Gas (482), Water (483), Sewage Disposal (484);
5. Finance, Insurance, and Real Estate Services (61);
6. Personal Services (62);
7. Business Services (63) excluding Dwelling and other business services including Disinfecting and Exterminating (634), Warehousing and Storage (637), and Other Business Services NEC (639)
8. Repair Services (64) excluding Automobile Repair (641);
9. Professional Services (65) excluding Medical Services (6513), and Sanitarium and Convalescent Homes (6516);
10. Contract Construction Services (66) excluding (662);
11. Governmental Services limited to Police (671), Fire (672), and Postal Service (673);
12. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile, manufactured, or modular structure.
13. Signs as permitted in accordance with regulations established in Chapter X.

B. Permitted Accessory Uses

The sale of food, beverages and tobacco will be permitted only within each office for the convenience of the employees of that office.

C. Special Exception

Office uses which in the opinion of the Board of Zoning Appeals is consistent with the intent of this section.

D Prohibited Uses

Any use not specifically permitted in this section or Special Exceptions.

E. Location of Accessory Structures and Buildings

Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III Section 11-311

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

- |    |   |  |
|----|---|--|
| 1. | Minimum Lot Area                              | 20,000 sq. ft.   |
| 2. | Minimum required lot width at building line   | None   |
| 3. | Minimum required front yard                   | 40 feet  |
| 4. | Minimum required rear yard                    | 30 feet  |
| 5. | Minimum required side yard                    |  |
|    | a.  | None required, however, if buildings do not share a common or adjoining wall there shall be a side yard of at least five (5) feet.   |
|    | b.  | Lots in an O-1 district which are adjacent to a residential district shall have the same side yard requirements of the residential district on its adjoining side.   |
| 6. | <u>Maximum permitted height of structures</u> |  |
|    | a.  | No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.   |
|    | b.  | No accessory building shall exceed 20 feet in height.  |
|    | c.  | Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision). |

G. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter XI.

H. Site Plan Review

Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

I. Permit Procedures

(See Chapter XIV)

## CHAPTER VIII

### PROVISIONS GOVERNING HOSPITAL DISTRICT

11-801. H-1 (Hospital) District - The purpose and intent of these districts are to provide areas to serve the public health needs of the community recognizing that such facilities have special access and transportation needs.

Within the H-1 (Hospital) District as shown on the Zoning Map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Retail Trade limited to Drug and proprietary (591), Florist (5991), Gifts (5995), and Medical Supplies Sales (prosthetics, wheelchairs, hospital beds, walkers etc);
2. Professional Services (65);
3. Homes for the Aged, Assisted Living Facilities, Nursing or Convalescent Homes, and Adult Day Care.
4. Any use customarily incidental to the above uses.
5. Signs as permitted in accordance with regulations established in Chapter X.

B. Permitted Accessory Uses

1. 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 building and provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings.
2. Access to any room or enclosure set aside for such sales shall be from the interior of the building only.

C. Special Exception

None

D. Prohibited Uses

Any use not specifically permitted.

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

1. Minimum required lot area
  - a. Hospitals 5 acres
  - b. Other Uses 20,000 sq. ft.
2. Minimum required lot width at building line
  - All Uses None
3. Minimum required front yard
  - All Uses 40 feet
4. Minimum required rear yard
  - All uses 30 feet
5. Minimum required side yard on each side of lot
  - a. All Uses None required however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet.
  - b. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district.
6. Maximum permitted height of structures
  - a. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.
  - b. No accessory building shall exceed 20 feet in height.
  - c. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).

7. Maximum Number of Principal Buildings Permitted

None provided all yard and parking requirements can be met

F. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter XI.

G. Site Plan Review

Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

H. Permit Procedures

(See Chapter XIV)

## CHAPTER IX

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-901. M-1 (Industrial) Districts. These districts are designed to provide space for a wide range of industrial and related uses which have the least objectionable characteristics such as noise, smoke, or other omissions thus preventing any adverse impact on neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences.

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

#### A. Uses Permitted

1. Food and Kindred Products Manufacturing (21)
2. Textile Mill Products Manufacturing (22)
3. Apparel Manufacturing (23)
4. Lumber and Wood Products Manufacturing (24)
5. Furniture and Fixtures Manufacturing (25)
6. Paper and Allied Products Manufacturing (26)
7. Printing and Publishing Industries (27)
8. Chemical and Allied Products (28)
9. Petroleum Refining and Related Industries (29)
10. Rubber and Miscellaneous Plastic Manufacturing (31)
11. Stone, Clay, and Glass Products Manufacturing (32)
12. Primary Metal Industries (33)
13. Fabricated Metal Products (34)
14. Professional and Scientific Manufacturing (35)
15. Miscellaneous Manufacturing (39)
16. Railroad Transportation (4111);
17. Highway and Street right of way (45);
18. Local Passenger Transit (41) Limited to
  - Local and Suburban Transportation (411)
  - Local and suburban transit (4111)
  - Local passenger transportation, NEC (4119)
  - Taxicabs (412)
  - Taxicabs (4121)

- Intercity and Rural Bus Transportation (413)
- Intercity & rural bus transportation (4131)
- Bus Charter Service (414)
- Local bus charter service (4141)
- Bus charter service, except local (4142)
- School Buses (415)
- School buses (4151)
- Bus Terminal and Service Facilities (417)
- Bus terminal and service facilities (4173)
- Trucking & Courier Service, Ex. Air 421
- Local trucking, without storage 4212
- Trucking, except local 4213
- Local trucking with storage 4214
- Courier services, except by air 4215
- Trucking Terminal Facilities 423
- Trucking terminal facilities 4231

19. Water Transportation (44) Limited to  
(Offices Only)

- Deep Sea Foreign Trans. of Freight (441)
- Deep sea foreign trans. of freight (4412)
- Deep Sea Domestic Trans. of Freight (442)
- Deep sea domestic trans. of freight (4424)
- Freight Trans. on the Great Lakes (443)
- Freight trans. on the Great lakes (4432)
- Water Transportation of Freight, NEC (444)
- Water transportation of freight, NEC (4449)
- Water Transportation of Passengers (448)
- Deep sea passenger trans., ex. Ferry (4481)
- Ferries (4482)
- Water passenger transportation, NEC (4489)
- Water Transportation Services 449
- Marine cargo handling (4491)
- Towing and tugboat service (4492)
- Marinas (4493)
- Water transportation services, NEC (4499)

20. Transportation By Air 45 Limited to (Offices Only with accompanying Accessory  
Structures)

- Air transportation, scheduled 451
- Air transportation, scheduled 4512
- Air courier services 4513
- Air Transportation, Nonscheduled 452
- Air transportation, nonscheduled 4522



Airports, Flying fields, & Services 458 Offices Only  
Airports, flying fields, & services 4581 Offices Only

21. Transportation Services (47)
  - Passenger Transportation Arrangement (472)
    - Travel agencies (4724)
    - Tour operators (4725)
    - Passenger transport arrangement, NEC (4729)
    - Freight Transportation Arrangement (473)
    - Freight transportation arrangement (4731)
    - Rental of Railroad cars (474)
    - Rental of railroad cars (4741)
    - Miscellaneous Transportation Services (478)
    - Packing and crating (4783)
    - Inspection & fixed facilities (4785)
    - Transportation services, NEC (4789)
22. Utilities limited to Electric (481), Gas (482), Water (483), Sewage Disposal (484);
23. Wholesale Trade (51) excluding “Automobile Salvage Yards”;
24. Retail Trade (52);
25. Finance, Insurance, and Real Estate Services (61);
26. Personal Services (62);
27. Business Services (63);
28. Repair Services (64) including automobile body shops;
29. Professional Services (65);
30. Contract Construction Services (66);
31. Governmental Services limited to Police (671), Fire (672), and Postal Service (673);
32. Educational Services (68);
33. Miscellaneous Services including churches, synagogues, and temples (69);
34. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations; unless the business is a manufacturer of said structures.
35. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exceptions

1. Automobile Salvage Yards provided:
  - a. The proposed facility must have a minimum of 5 acres.

- b. The proposed facility cannot abut a residential district.
    - c. The proposed facility must provide a fence of at least 8 feet in height and a evergreen strip to be placed around the fence that is a minimum of 8 feet in height.
  - 2. Communication Towers (471) in accordance with provisions set forth in Chapter XI.
- C. Uses Prohibited.  
Any other use or structure not specifically permitted or a Special Exception as described in this Section. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.
- D. Location of Accessory Structures and Buildings  
Accessory Structures and Buildings shall be located on the lot in accordance with Chapter III, Section 11-311.
- E. Regulations Controlling Lot Area, Lot Width, and Yards  
The principal building shall be located so as to comply with the following requirements.
  - 1. Minimum required front yard  
All uses Thirty-five (35) feet
  - 2. Minimum required rear yard  
All uses Twenty-five (25) feet
  - 3. Minimum required side yard on each side of lot  
All uses Thirty-five (35) feet
  - 4. Notwithstanding the above provisions, no yard will be required for that part of a lot which fronts on a railroad siding.
- 7. Maximum Number of Principal Buildings Permitted  
None provided all yard and parking requirements can be met
- 8. Parking Requirements  
Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter XI.
- 9. Site Plan Review  
Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes

Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

10. Permit Procedures

(See Chapter XIV)

F. Maximum permitted height of structures

1. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.
2. No accessory building shall exceed 20 feet in height.
3. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).

G. Periphery Buffering And Screening

In addition to meeting the yard and other Zoning Ordinance requirements during site plan review, the developer must provide adequate screening and buffering as required by the Planning Commission or Building Inspector for Uses Permitted or Board of Zoning Appeals for Special Exceptions. The screening should be suitable to prevent the physical encroachment of the industrial or other development on the adjacent district/properties, especially residential properties or residential districts to minimize characteristics such as noise, smoke, or other omissions thus reducing adverse impact on the neighboring properties. . The reviewing authority should also consider the possibility of future residential development based on zoning or property inside the Planning Region but outside Corporate Limits. The screening shall be provided in the form of fencing, hedges, bushes, trees or other buffering/screening materials as determined appropriate by the Planning Commission or Board of Zoning Appeals for Special Exceptions

No trees of a diameter of ten (10") inches or larger measured five (5) feet above the surrounding ground surface shall be removed if at all possible, and special attention shall be given to preserving larger trees. For removal of trees greater than twelve (12") inches in diameter, the Planning Commission may require a plan of revegetation, in order to recover soil stabilization, percolation or buffering lost by removal of such tree.

The required buffer shall remain for the remainder of the occupancy of operation and shall not be removed or otherwise altered without the approval of the Planning Commission or other appropriate reviewing authority.

H. Waste Containment, Waste Disposal, and Raw Material Storage

The Planning Commission or Building Inspector relating to Uses Permitted or Board of Zoning Appeals for Special Exceptions shall have the authority to require that a plan for the containment and eliminating of any by-product or waste of any process of any use permitted or special exception under the M-1 District be submitted for approval from federal, state, or local agencies prior to final approval.

Components and any other accompanying raw materials, especially flammable, combustible, or hazardous substances, used in manufacturing or other related processes shall be adequately screened from adjoining properties and securely stored to prevent children, vandals, or criminal access to such materials.

11-902. Special-Impact Industrial (S-I) Districts. The primary purpose of this district is to allow a wide range of industrial and other nuisance producing establishments such as adult-oriented establishments in areas suitable for such development due to compatibility and utility capacity, but which need to be isolated for reasons of volume, scale of operation, type of structures, type of operation, and possible air and water emissions. Due to these factors, these locations will be evaluated so as to minimize the adverse impacts on adjacent properties. These areas will be selected and will have a minimal proximity to residential neighborhoods, religious, childcare, and educational facilities. Within the Special-Impact Industrial (S-I) Districts as shown on the Zoning Map of Selmer, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Food and Kindred Products Manufacturing (21)
2. Textile Mill Products Manufacturing (22)
3. Apparel Manufacturing (23)
4. Lumber and Wood Products Manufacturing (24)
5. Furniture and Fixtures Manufacturing (25)
6. Paper and Allied Products Manufacturing (26)
7. Printing and Publishing Industries (27)
8. Chemical and Allied Products (28)
9. Petroleum Refining and Related Industries (29)
10. Rubber and Miscellaneous Plastic Manufacturing (30)
11. Stone, Clay, and Glass Products Manufacturing (32)
12. Primary Metal Industries (33)
13. Fabricated Metal Products (34)
14. Professional and Scientific Manufacturing (35)
15. Miscellaneous Manufacturing (39)
16. Railroad Transportation (4111);
17. Highway and Street right of way (45);
18. Local Passenger Transit (41) Limited to
  - Local and Suburban Transportation (411)
  - Local and suburban transit (4111)
  - Local passenger transportation, NEC (4119)
  - Taxicabs (412)
  - Taxicabs (4121)
  - Intercity and Rural Bus Transportation (413)
  - Intercity & rural bus transportation (4131)
  - Bus Charter Service (414)
  - Local bus charter service (4141)

Bus charter service, except local (4142)  
School Buses (415)  
School buses (4151)  
Bus Terminal and Service Facilities (417)  
Bus terminal and service facilities (4173)  
Trucking & Courier Service, Ex. Air 421  
Local trucking, without storage 4212  
Trucking, except local 4213  
Local trucking with storage 4214  
Courier services, except by air 4215  
Trucking Terminal Facilities 423  
Trucking terminal facilities 4231

19. Water Transportation (44) Limited to  
(Offices Only)

Deep Sea Foreign Trans. of Freight (441)  
Deep sea foreign trans. of freight (4412)  
Deep Sea Domestic Trans. of Freight (442)  
Deep sea domestic trans. of freight (4424)  
Freight Trans. on the Great Lakes (443)  
Freight trans. on the Great lakes (4432)  
Water Transportation of Freight, NEC (444)  
Water transportation of freight, NEC (4449)  
Water Transportation of Passengers (448)  
Deep sea passenger trans., ex. Ferry (4481)  
Ferries (4482)  
Water passenger transportation, NEC (4489)  
Water Transportation Services 449  
Marine cargo handling (4491)  
Towing and tugboat service (4492)  
Marinas (4493)  
Water transportation services, NEC (4499)

20. Transportation By Air 45 Limited to (Offices Only with accompanying Accessory  
Structures)

Air transportation, scheduled 451  
Air transportation, scheduled 4512  
Air courier services 4513  
Air Transportation, Nonscheduled 452  
Air transportation, nonscheduled 4522  
Airports, Flying fields, & Services 458 Offices Only  
Airports, flying fields, & services 4581 Offices Only

21. Transportation Services (47)

- Passenger Transportation Arrangement (472)
- Travel agencies (4724)
- Tour operators (4725)
- Passenger transport arrangement, NEC (4729)
- Freight Transportation Arrangement (473)
- Freight transportation arrangement (4731)
- Rental of Railroad cars (474)
- Rental of railroad cars (4741)
- Miscellaneous Transportation Services (478)
- Packing and crating (4783)
- Inspection & fixed facilities (4785)
- Transportation services, NEC (4789)

- 22. Utilities limited to (481), (482), (483),(484);
- 23. Wholesale Trade (51) excluding “Automobile Storage and Salvage Yards”
- 24. Retail Trade (52);
- 25. Finance, Insurance, and Real Estate Services (61);
- 26. Personal Services (62);
- 27. Business Services (63);

- 28. Repair Services (64) including automobile body shops;
- 29. Professional Services (65);
- 30. Contract Construction Services (66);
- 31. Governmental Services limited to (671), (672), and (673);
- 32. Educational Services (68);
- 33. Miscellaneous Services (69) including churches, temples, and synagogues;
- 34. Pet Veterinarian and Pet Grooming (8221)
- 35. Adult Oriented Businesses provided that:

The Adult Oriented Business as defined in Chapter II of this ordinance are located no closer than 1,500 feet from a residential dwelling, a church, public school, private school, nursery, nursery school, child care facility, place of public assembly, places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity. No Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued unless such an operation complies with the conditions specified in any municipal ordinance, the Selmer Municipal Code, under any applicable County, State, or Federal law, rule, or code.

36. Accessory structures, buildings, and uses customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations;
37. Signs as permitted in accordance with regulations established in Chapter X.

B. Special Exception

1. Automobile Storage and Salvage Yards provided:
  - a. The proposed site must have a minimum of 5 acres.
  - b. The proposed site cannot abut a residential district.
  - c. The proposed site must provide a fence of at least 8 feet in height and a evergreen strip to be placed around the fence that is a minimum of 8 feet in height.
2. Communication Towers (471) in accordance with provisions set forth in Chapter XI.
3. Animal Hospital Services, Animal Husbandry and Kennels
  - a. The proposed site must have a minimum of 5 acres.
  - b. The proposed site cannot be located any closer than 1,500 feet from an existing residential district.
  - c. The proposed site may be located no closer than 1,500 feet from a residential dwelling, a church, public school, private school, nursery, nursery school, child care facility, or place of public assembly, places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity.
  - d. The operation must comply with all applicable municipal, county, state, and federal laws, codes, and regulations.
  - e. The proposed site must provide a fence of at least 8 feet in height and a evergreen strip to be placed around the fence that is a minimum of 8 feet in height.
4. Halfway Houses and Sanitariums provided that:
  - a. The following Regulations controlling Lot Width. And Yards are complied with:
    1. Minimum required lot area for such uses: One acre or 2,500 sq. ft. for each residential room, whichever is larger.
    2. Maximum lot coverage of all buildings                      Thirty-five (35) percent.



3. Minimum lot width at building line One hundred twenty (120) feet.
  4. Minimum perimeter requirements for the overall development.
    - a. Minimum required front yard Twenty-five (25) feet
    - b. Minimum required rear yard Twenty-five (25) feet
    - c. Minimum required side yard Twenty-five (25) feet
- b. Halfway Houses and Sanitariums shall have 1 parking space per every two persons of residential capacity, plus 1 parking space per employee on shift
  - c. Unless incorporated, halfway houses and sanitariums shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house. Insurance and other aspects of the business plan shall be provided. Each halfway house application shall be accompanied by a statement describing the following: the character of the halfway house; the policies and goals of the halfway house along with the means proposed to accomplish those goals; the characteristics of the residents and number of residents to be served; the operating methods and procedures to be used; and any other facts relevant to the proposed operation of the halfway house.
  - d. Any permit granted for the halfway house shall be bound to the type and number of criminal offenders listed on the initial special exception application. The Police Department may verify this information using background checks or other appropriate means.
  - e. This section shall apply to existing Halfway Houses and Sanitariums if these establishments are enlarged, extended or there is a change in the sponsorship of any such existing Halfway Houses and Sanitariums or a change of any elements of the special exception criteria.
  - f. Site Plan Review Prior to the issuance of a building permit or certificate of occupancy, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Department shall maintain a copy of the site plan in the permanent files of the Town.
  - g. The operation must comply with all applicable municipal, county, state, and federal laws, codes, and regulations. All documents and proof of compliance shall be provided upon the initial and any subsequent reviews for Special Exception approval.
  - h. So as to protect the residents' privacy, the proposed site must provide a fence of at least 8 feet in height and an evergreen strip to be placed around the fence that is a minimum of 8 feet in height.

C. Uses Prohibited.

Any other use or structure not specifically permitted or a Special Exception as described in this Section. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.

D. Location of Accessory Buildings

Accessory buildings shall be located on the lot in accordance with Chapter III, Section 11-311.

E. Location of Accessory Structures

Accessory structures shall be located on the lot in accordance with Chapter III, Section 11-312

F. Regulations Controlling Lot Area, Lot Width, and Yards

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

1. Minimum required front yard  
All uses                      Thirty-five (35) feet
2. Minimum required rear yard  
All uses                      Twenty-five (25) feet
3. Minimum required side yard on each side of lot  
All uses                      Thirty-five (35) feet
4. Notwithstanding the above provisions, no yard will be required for that part of a lot which fronts on a railroad siding.

G. Maximum permitted height of structures

1. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.
2. No accessory building shall exceed 20 feet in height.
3. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).

H. Maximum Number of Principal Buildings Permitted

None provided all yard and parking requirements can be met

I. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter XI.

J. Site Plan Review

Prior to the issuance of a building permit, a site plan review is required in accordance with Chapter XI of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

K. Permit Procedures

(See Chapter XIV)

L. Periphery Buffering And Screening

In addition to meeting the yard and other Zoning Ordinance requirements during site plan review, the developer must provide adequate screening and buffering as required by the Planning Commission or Building Inspector for Uses Permitted or Board of Zoning Appeals for Special Exceptions. The screening should be suitable to prevent the physical encroachment of the industrial or other development on the adjacent district/properties, especially residential properties or residential districts to minimize characteristics such as noise, smoke, or other omissions thus reducing adverse impact on the neighboring properties. . The reviewing authority should also consider the possibility of future residential development based on zoning or property inside the Planning Region but outside Corporate Limits. The screening shall be provided in the form of fencing, hedges, bushes, trees or other buffering/screening materials as determined appropriate by the Planning Commission or Board of Zoning Appeals for Special Exceptions

No trees of a diameter of ten (10") inches or larger measured five (5) feet above the surrounding ground surface shall be removed if at all possible, and special attention shall be given to preserving larger trees. For removal of trees greater than twelve (12") inches in diameter, the Planning Commission may require a plan of revegetation, in order to recover soil stabilization, percolation or buffering lost by removal of such tree.

The required buffer shall remain for the remainder of the occupancy of operation and shall not be removed or otherwise altered without the approval of the Planning Commission or other appropriate reviewing authority.

M. Waste Containment, Waste Disposal, and Raw Material Storage

The Planning Commission or Building Inspector relating to Uses Permitted or Board of Zoning Appeals for Special Exceptions shall have the authority to require that a plan for the containment and eliminating of any by-product or waste of any process of any use permitted or special exception under the S-I District be submitted for approval from federal, state, or local agencies prior to final approval.

Components and any other accompanying raw materials, especially flammable, combustible, or hazardous substances, used in manufacturing or other related processes shall be adequately screened from adjoining properties and securely stored to prevent children, vandals, or criminal access to such materials.

## CHAPTER X

### PROVISIONS GOVERNING SIGNS

11-1001 Sign Regulations Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.

The provisions of this Ordinance are made to establish reasonable and impartial regulations for all exterior signs to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

11-1002 General Provisions - Within all districts except as herein provided, the following general provisions shall apply to all signs.

#### A. Directives

1. All signs shall conform to all the laws and regulations of the Town of Selmer. This shall include signs painted directly on walls.
2. Accessory temporary on-site signs shall be permitted in all districts as provided herein.
  - a. Construction signs (see temporary signs).
  - b. Special events (see temporary signs).
  - c. Real estate signs (see temporary signs).
3. Directional signs for Town, County, State or Federal uses shall be allowed in all districts, but subject to the provisions of this Ordinance.
4. Except for signs located in malls, shopping centers and interstate signs, all signs shall be located ten (10) feet from any property line. All signs shall conform to the provisions of Section 11-204 "Obstruction of Vision at Street Intersections".
5. Signs shall be measured as follows:
  - a. mounted or attached signs shall be measured from side to side including mounting frames.

- b. painted signs on building walls shall be measured as the area covered by written matter and/or logos or product symbol and shall be measured as square or rectangle encompassing said words or symbols.
6. Wall mounted signs shall not project at an angle beyond the edge of any walls or structure and shall be mounted flush with the wall.

B. Restrictions

1. Movement - It shall be unlawful to erect or maintain any sign which moves or has any moving or animated image, flashing lights, or continuously changing message except for Changeable Message Signs as defined and regulated by this ordinance and signs providing time and temperature readings offered for the observance by the general public or having reversing or rotating panels for the display of multiple fixed messages.
2. Illumination - It shall be unlawful to erect or maintain any illuminated sign which does not have a light source of continuous intensity and color or which interferes with the readability of any traffic or safety signs, or obstructs the vision of a vehicle operator.
3. Official Signs - It shall be unlawful to erect or maintain signs which resemble an official traffic or safety sign and it shall also be unlawful to display the words "Stop", "Go Slow", "Caution", "Danger", "Warning" or other words commonly used to draw attention to traffic or roadway hazards by governmental or construction signs.
4. Public Property - No signs shall be located on or extend over any public property, right-of-way or easement except for official signs of Town, County, State or Federal origin.
5. Vehicular Signs - any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags or plates as required by all governmental authorities. This shall not be construed to allow trailers parked for display only.
6. Temporary Signs - No portable or temporary signs as defined in Chapter 3 shall be allowed except as set forth herein and which is located on the same property and allowed under the provision of this Ordinance as follows:
  - a. Street banners - It shall be unlawful for any person to have placed across or upon any street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic festival, or parade or political elections and shall be allowed 30 days before and 24 hours after the event.

- b. Posters - shall only be authorized in conjunction with an official, civic, or philanthropic or electoral event and shall be allowed only one month prior and 24 hours after the event.
- c. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited to size of 64 square feet. The sign shall be allowed for 7 days after work completion in residential districts, and 30 days in commercial and industrial districts. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- d. Real Estate Signs - Real Estate Signs, not to exceed nine (9) square feet, for advertising the sale, lease or rental of land or buildings shall be permitted in all districts when located on the parcel on which the land or building is offered for sale, lease or rental, or signs no greater than 32 feet in Commercial and Industrial Districts.
- e. Model Signs - Model Signs identifying or directing the public to model units in single family, townhouse, or multi-family developments limited to one sign per model and not exceeding four (4) square feet in area.
- f. Special Events - Civic, philanthropic, or publicly sponsored events shall be allowed one on-site sign 32 square feet in area and two directional signs, each of which may not exceed 16 square feet in area. Such signs shall be allowed seven (7) days prior and 24 hours after said event.  
  
Events consisting of booths, stands, or concessions shall be allowed one on-premise sign not to exceed 10 square feet which shall be attached to the booth, stand, or concession. Such sign shall be allowed 7 days prior and 24 hours after said event.
- g. New Business or Ownership - New business or ownership shall be permitted one temporary banner sign for a period not to exceed 30 days provided the provisions of (b) 1 and 2 above are maintained.
- h. Portable Signs - Portable signs are prohibited.
- i. Campaign Signs -- one sign per candidate and/or issue shall be allowed on each frontage.
  - i. Signs shall be posted no earlier than 60 days prior to said election and shall be removed within 14 days following said election. The owner of the property on which campaign signs are located shall be responsible for removal of such signs.
  - ii. Signs are permitted on private property only and may be placed only upon approval of the property owner.
  - iii. Signs shall not exceed 16 square feet in area in residential districts, and shall be limited to 60 square feet in all other districts.

- iv. No such sign may be located closer than 10 feet from the edge of any highway, street, or road, and a minimum of 3 feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The location must not interfere with traffic or pedestrian vision or safety.

C. Exemptions

The following signs shall be exempt from the general provisions of this chapter, except provisions governing the placement of signs on public properties, right-of-way or easements or in relation to side or rear property lines or front right-of-way lines. Said sign shall be an on-site sign, with the exception of churches.

1. Signs less than one square foot which identify street number, owner names and home occupations as allowed herein.
2. Official national or state flags, properly displayed as it relates to public safety.
3. Signs, less than one square foot, identifying merchandise, or manufacturer, offered for sale if a dispensing machine or inside premises or on windows.
4. Signs wholly within building.
5. Signs not exceeding five square feet noting garage sales providing it is an on-site sign and providing it is not up more than forty-eight (48) hours prior to the event nor more than seventy-two (72) hours total.
6. Historic or commemorative plaques.
7. Gravestones.
8. Signs noting direction to, or address of Selmer churches and schools two (2) signs to be allowed with a maximum size of two (2) square feet per sign.

11-1003 Special Provisions - The following provision shall regulate signs stating the permitted type, size and placement of signs.

A. Signs permitted in R-1, R-2, R-3 and R-4 Districts.

1. Real Estate Signs - not to exceed five (5) square feet in area if an on-site sign.
2. Temporary Signs - As allowed in Section 11-1001 (b) (6).
3. One sign having an area not to exceed 20 square feet identifying each subdivision or multi-family or Townhouse development per vehicle entrance. Such sign shall not violate Section 11-1002 (a) (4) of this Ordinance.



4. Signs identifying or directing the public to models associated with (3) above shall be allowed but limited to one sign per model and not exceeding four (4) square feet in area.
5. Ground signs for schools, churches, public and semi-public uses with an allowable area of one square foot per 2 feet of frontage not to exceed 25 square feet.

B. Signs Permitted in B-2

1. Real estate signs not to exceed nine (9) square feet if an on-site sign.
2. On-premise signs mounted or painted on the building. The total allowable area of all signage shall not exceed 50% of the area of the front building face, or not to exceed 381 sq. feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building face.
3. On-premise roof mounted signs. The total allowable area of all signage shall not exceed 50% of the area of the front building face, or not to exceed 381 sq. feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building face.
4. On-premise awning signs either mounted or painted on the fascia of awnings. The total allowable area of all signage shall not exceed 50% of the area of the front building face, or not to exceed 381 sq. feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building face.
5. On-premise window signs limited to 2 square feet.
6. On-premise projecting signs limited to 20 square feet.
7. Temporary Signs - As allowed in Section 11-1002 (b) (6).
8. Pole mounted signs with the following standards:
  - a. Pole signs shall be limited to an allowable area per face of 1 square foot per 2 feet of building frontage not to exceed 50 square feet per face and a total sign area not to exceed one-hundred (100) square feet total of all faces.
  - b. Pole signs shall be setback a minimum of fifteen (15) feet from the right-of-way line.

9. Central Business Sign Overlay District

Signs shall be allowed in the grass strip between sidewalk & street curb from the Gulf Mobile and Ohio Railroad to Fifth Street along Main Street provided the following provisions are followed.

There shall be a limit of one sign per business for each store front adjacent to the sidewalk next to the grass strip.

The sign will be positioned so as to not interfere with opening of a car door. The sign is to be erected on metal or wooden poles. The sign post shall not exceed a height of 5 feet tall. The surface area of the sign shall be 2' x 3' or 6 sq. ft. or less.

The sign is to be placed approx. in the center of the store front.

The signs will be allowed in the front (center) of the business if:

- a. There is a grass strip to place the sign.
- b. And if the grass strip is wide enough to accommodate safe entrance and exit from a car.

C. Signs Permitted in B-1, O-1, and H-1

1. On-site real estate signs not to exceed 32 square feet.
2. On-premise ground signs having an allowable area of one foot for each 2 feet of road frontage with a total maximum area of both faces not to exceed fifty (50) square feet. Ground signs shall not exceed 4 feet in height.
3. In instances where malls or shopping centers are established they may have one (1) on-premise ground sign per street frontage with an allowable area of one (1) square foot per foot of street frontage with a maximum of 350 square feet and with the sign identifying the shopping center and businesses therein. The mall sign shall have a maximum height of fifteen (15) feet. Each occupant may erect a wall sign limited to 25% of the front wall area of the establishment to which the sign applies and with a maximum 100 square feet. All signs shall conform to the provisions of Section 11-204 "Obstruction of Vision at Street Intersections".
4. On-premises signs mounted or painted on the building having an allowable area of 100 square feet. If more than one establishment is located on the parcel then the signage will be divided in proportion to the frontage for each establishment or in relation to the sales area if there is not frontage.
5. Pole mounted signs with the following standards:

- a. Pole signs shall be limited to an allowable area per face of 1 square foot per 2 feet of building frontage not to exceed 50 square feet per face and a total sign area not to exceed one-hundred (100) square feet total of all faces.
  - b. Pole signs shall be setback a minimum of fifteen (15) feet from the right-of-way line.
  - c. Pole signs shall have a minimum height of fifteen (15) feet, measured from the surrounding ground level and a maximum height of twenty-five (25) feet.
6. On-premise roof mounted signs. The total allowable area of all signage shall not exceed 100 square feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building frontage.
  7. On-premise awning signs either mounted or painted on the fascia of awnings. The total allowable area of all signage shall not exceed 100 square feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building frontage.
  8. On-premise window signs limited to 4 square feet.
  9. Off-premise directional signs for schools, churches, public and semi-public uses not to exceed 2 square feet.
  10. Temporary Signs - As allowed in Section 11-1002 (b) (6).

E. Signs Permitted in M-1

1. Pole mounted signs with the following standards.
  - a. Pole signs shall be limited to an allowable area per face of 1 square foot per 1 feet of building frontage not to exceed 100 square feet per face and a total sign area not to exceed two-hundred (200) square feet total of all faces.
  - b. Pole signs shall be setback a minimum of fifteen (15) feet from the right-of-way line.
  - c. Pole signs shall have a minimum height of fifteen (15) feet, measured from the surrounding ground level and a maximum height of fifty (50) feet.

2. Ground signs with a maximum height of 4 ft. or building mounted having a combined allowable area of one (1) sq. foot for each foot of road frontage not to exceed a total of 100 square feet. Where there is more than one (1) occupant on the site the signage would be divided in proportion to the road frontage or square foot of the establishment whichever is more equitable.
3. On-premises signs mounted or painted on the building having an maximum allowable area of one (1) foot for each foot of road frontage not to exceed a total of 100 square feet. If more than one establishment is located on the parcel then the signage will be divided in proportion to the frontage for each establishment.
4. On-premise roof mounted signs. The total allowable area of all signage shall not exceed 300 square feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building frontage.
5. Off-premise directional signs for schools, churches, public and semi-public uses not to exceed 2 square feet.
6. Real estate signs not to exceed 32 square feet.
7. Temporary Signs - As allowed in Section 11-1002 (b) (6).

F. Signs for Churches and Schools

Signs or bulletin boards shall be permitted for all churches and schools allowed by the provisions of this Ordinance. These signs shall be ground signs, shall not exceed 24 square feet per side and shall not exceed a height of six (4) feet. All signs shall conform to the provisions of Section 11-204 "Obstruction of Vision at Street Intersections".

G. Off-Site and Changeable Message Signs

1. Purpose.

Off-site and Changeable Message signs constitute a separate and distinct use of the land upon which they are erected. They are constructed adjacent to public roads to advertise products or services that are offered elsewhere; as such, they depend upon the public roads to create the market for their advertising.

It is the purpose of this Section to establish reasonable and impartial regulations of Off-site and Changeable Message signs in Selmer under the Town's zoning and police powers to accomplish the following goals; to protect and promote public safety, health, convenience and general welfare by decreasing the risk of traffic hazards which distract, confuse, or impair the visibility of motorists and pedestrians and by increasing the effectiveness of sign needed to direct the public; to protect the public investment in streets and highways; to enhance public prosperity and the general welfare by minimizing

adverse effects upon the natural scenic beauty and by providing an attractive visual environment in the Town, so that it is a more desirable place to live, visit, and conduct business; to protect property values by insuring compatibility with surrounding land usage and by insuring light, air and open space.

The regulations contained in this section directly advance these significant governmental interests.

2. General Provisions

Off-site and Changeable Message signs will be limited to B-1 (General Business) and M-1 (Industrial) districts that have road frontage on a major arterial as depicted on Selmer's Major Road Plan. The following restrictions will apply:

- a. Maximum Sign Area 381 square feet
- b. Maximum Height 40 feet from the ground
- c. Minimum Height 12 feet from the ground
- d. Minimum Spacing 1,000 feet between Off-site signs on the same side of the street; and 2,000 feet between Changeable Message signs on the same side of the street
- e. Minimum Setbacks 15 feet from the edge of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.
- f. Maximum number per site No side-by-side signs

Back-to-Back signs are allowed with a maximum of 762 square feet total for the two signs and neither sign exceeding 381 square feet.

3. Exemptions

The following off-site signs shall be allowed in all zoning districts of the Town of Selmer provided that the sign conforms to the regulations of this Ordinance.

- a. Directional off-site signs for non-profit organizations.
- b. Political and yard/garage sale signs.

4. Nonconforming Off-Site Sign Provisions

Any nonconforming off-site sign may be continued in operation and maintenance after the effective date of this ordinance, except that no nonconforming off-site sign shall be:

- a. structurally altered so as to extend its useful life or to increase the size, shape, type or design, or modified in any other way that would increase the degree of nonconformity of the sign;
- b. relocated unless the result of the move is to secure conformity with the provisions of this Ordinance.

5. Permit

From and after the effective date of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, remove or convert any off-site sign, without first obtaining a sign permit as required by this Ordinance.

- a. All applications for permits must be reviewed by the Building Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town of Selmer.

6. Illegal or Abandoned Signs

A sign illegally erected or any sign abandoned from use may be legally removed by order of the Building Inspector after written notification to the owner or property owner of sixty (60) days.

Any such removal shall require that a charge be assessed to the sign owner, lessor or property owner.

11-1004 Non-conforming Signs. Any lawfully erected sign may continue to be maintained exactly as it existed prior to the enactment of these provisions except as provided below.

A. Non-conforming Signs

1. Shall not be changed to another non-conforming sign.
2. Shall not have any changes in the words, logo or symbols which are part of a message, unless the sign is a marquee type sign or bulletin board.
3. Shall not be re-established after the activity, name of the business or ownership has changed, requiring a change in the sign name or advertisement itself.

4. Shall not have new structural members added to increase the size of the sign or prolong its useful life. When it becomes necessary to add or replace structural members of the sign so as to insure it is not a threat to the public welfare or safety, said sign shall be replaced with a conforming sign.

11-1005      Permits

From and after the effective date of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, place or convert any sign, without first obtaining a sign permit. A sign permit shall become null and void if work is not commenced within one- hundred twenty (120) days from the date of such permit.

A.      Application for Permit

All applications for permits, except permits for temporary signs as discussed in subsection 11-1005 (b) and vehicular signs which shall require no permit, must be reviewed by the Building Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town of Selmer including:

1.      Name and address of owner of the sign.
2.      Name and address of owner or the persons in possession of the premises where the sign is located or to be located.
3.      A drawing clear and legible drawn to a scale 1" equal 10 feet with a description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction would require permits, when such signs are on the same premises.
4.      A drawing showing dimensions, construction, support sizes, electrical wiring and components, material of sign, and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials, and loading shall conform to the requirements of the International Building Code (SSBC) as amended.
5.      Signature of applicant.
6.      Signature of property owner shall be followed by statement to read as follows:

*I am aware and in agreement with the application for the above requested sign. I am aware that provisions of the Selmer Zoning Ordinance shall revert to me if the applicant should no longer be located at the above address. This responsibility may include penalty fees and removal costs of the sign as required by this Ordinance.*

7. Prior to the issuance of a sign permit, a drawing and site plan shall be submitted to the Building Inspector. The Building Inspector will review these items for compliance with the provisions of this Section. Approval of the Building Inspector is required. In the instance of rejection, reasons will be stated in writing.

B. Temporary Signs

Requests for sign permits for temporary signs (except real estate signs which will require no permit) shall be submitted to the Selmer Building Inspector and shall include the following :

1. Type of temporary sign.
2. Location of the sign.
3. Size and number of signs.

C. Fees and inspections

All applications for sign permits except temporary signs shall be accompanied by a fee.

1. All sign permits shall be accompanied by a fee of one (1) dollar per square foot of signage with a minimum of 15 dollars.
2. All establishments shall be subject to an annual sign inspection for which a ten (10) dollar fee will be charged. The maintenance of the sign shall be reviewed in addition to other matters and if the signs are not properly maintained corrective measures shall be ordered by the Town Building Inspector. Failure to remedy deficiencies noted during the inspection as instructed by the Building Inspector shall be a violation of the Selmer Zoning Ordinance.



11-1006      Penalties for Illegal or Abandoned Signs    A sign illegally erected or any sign abandoned from use shall be removed by the owner by order of the Town Recorder within sixty (60) days after written notification to the owner or property owner.

In the event that the owner or property owner does not remove the sign after notification by the Town Recorder, the Town shall remove the illegal sign. Any such removal shall require that a penalty charge be assessed to the sign owner or lessor in an amount equal to \$1.00 per square foot of signage per day starting sixty (60) days after written notification by the Town Recorder. The owner or property owner shall also reimburse the Town for the removal of the sign. If the sign owner or lessor cannot be located at the address used on the sign application form, the property owner will be responsible for the penalty charge and paying for the removal of the sign per subsection 11-1005 (a) (6).

## CHAPTER XI

### SPECIAL PROVISIONS

11-1101. 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 for any affected land structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by the Zoning Ordinance.

A. Site Plan Review Authority

The Planning Commission and Board of Zoning Appeals may require such changes in the required site plan as may be necessary to minimize the impact of the requested 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 buildings, colors or similar considerations. The Commission or Board may require a buffering of the development from surrounding properties by the use of fencing, plantings or combination thereof.

B. Site Plan Review

1. Site plan review is required under 3 separate instances by the Selmer Municipal Zoning Ordinance. These instances include:
  - a. In instances of review by the Selmer Building Inspector prior to the issuance of a building permit a site plan shall be submitted to the Building Official and Zoning Department. The site plan shall be reviewed for compliance with the provisions of this Section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing. The Selmer Building Inspector may review and approve a site plan for any permitted principal building, structure, or use; any addition to a permitted building, structure or use; or an accessory building, structure, or use to a permitted use under one thousand (1,000) square feet, when site plans are required by use or district. Site Plans for billboards shall require Planning Commission approval. The building inspector reserves the right to refer any site plan to the Planning Commission for additional review. This power of review may include, but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

- b. The review and approval of a site plan for any facility that is a Permitted Use in any district. (i.e., churches, municipalities, daycare etc.) The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the Town. This power of review may include, but not be limited to setbacks, screening, lighting, parking location, layouts, access and general buffering landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
  - c. The review and approval of a site plan for any Use Permissible on Appeal by the Board of Zoning Appeals as required by this ordinance. The Board of Zoning Appeals may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the Town. This power of review may include but not be limited to setbacks, buffering screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
2. In instances of review by the Selmer Planning Commission or Board of Zoning Appeals the owner or developer shall submit 7 copies of the proposed site plan to the Building Official 15 days prior to the regular meeting date of the body that is to take action on the matter. Site plans shall be submitted 30 days prior to the regular Planning Commission meeting when the drainage patterns of the site will be changed and engineering review is required. The site plan shall be reviewed in light of the provisions of this Section and approved or disapproved. The plans then shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon.
  3. In instances of review by the Selmer Building Official prior to the issuance of a building permit a site plan shall be submitted to the Building Official and Zoning Department. The site plan shall be reviewed for compliance with the provisions of this Section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.
  4. Contents of Site Plan - The site plan shall conform to the following requirements and will provide information on the following when existing or proposed:
    - a. Name of proposed development and/or address.
    - b. Name, address and phone number of owner of record and the applicant.
    - c. Scale of not less than 1" = 100'.
    - d. Present zoning of the site and abutting property.
    - e. Date and north point with reference to source of meridian.
    - f. Courses and distances of center lines of all streets.
    - g. All building restricting lines, highway setback lines, easements, covenants reservations and rights-of-way.
    - h. The total land area.

- i. Topography of existing ground and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewer and buildings and structures. Topography to be shown by dashed line illustrating two-foot contours and spot elevations where necessary to indicate flat areas.
  - j. A detailed storm water management plan.
  - k. Include a vicinity map showing the relationship of the proposed development to Selmer.
  - l. Sidewalks, streets, curb cuts, alleys, easement and utilities.
  - m. Building and structures.
  - n. Public sewer systems.
  - o. Driveways, entrances, existing parking areas and sidewalks and garbage collection site.
  - p. Water mains and fire hydrants.
  - q. Trees and shrubs.
  - r. Recreational areas and swimming pools.
  - s. Natural and artificial water courses.
  - t. Limits of flood plains if any.
  - u. Distances between buildings.
  - v. Estimates of the following when applicable:
    - (i) Number of dwelling units.
    - (ii) Number of parking spaces.
    - (iii) Number of loading spaces.
    - (iv) Number of Commercial or Industrial tenants and employees.
5. Certificates on the site plan will include the following:
- a. A certificate by a licensed civil engineer certifying that the plan as shown is true and correct.
  - b. Provide a form for certification by owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.
6. The certification required of the owner and trustee of the mortgage shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site Plan shall be recorded by the Building Official with the McNairy County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Official notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct the variations be corrected within a specified period. If, after proper notice by the Building Official, the owner has not complied with the provisions of approved Site Plan, the Building Official shall have the authority to cite the owner to Municipal Court for violation of this Ordinance.

7. Parking stall width, length, depth, etc. shall conform to the off street parking requirements in this chapter.
  
8. Required Public and Private Improvements and Surety for these Improvements
  - (a.) Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six (6) inches in diameter. Fire hydrants shall be required to be located no more than five hundred (500) feet apart. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.
  - (b.) The minimum size of a public sewer line shall be eight (8) inches in diameter for gravity lines and six (6) inches in diameter for forced lines unless approved by the Town of Selmer in accordance with Town policies. Existing utility needs and facilities may require additional upgrades.
  - (c.) Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the provisions of 11-305, 11-1103 and other provisions of this Zoning Ordinance or other municipal ordinances.
  - (d.) Turn-lanes, Public street, Private Street, Public/Private Access easement improvements shall be required along such adjacent facilities. The Planning Commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The Major Road Plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated Arterial and Collector Streets as guided by the appropriate Major Road Plan or other component of a Plan as described in Tennessee Code Annotated Title 13. Access control along any designated Arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and street signage improvements or installation may be required in existing rights-of-way.

- (e.) Curbs and gutters shall be required adjacent to public or private streets or along proposed driveways either permanent integral type six inch (6") concrete curbs with twenty-four inch (24") gutters when there is an existing curb and gutter system in place; standard rolled type concrete curbs and gutters; or other construction approved by the Planning Commission. Only the standard eight inch (8") curbs and twenty-four inch (24") gutters shall be permitted on major streets.
- (f.) Sidewalks will not ordinarily be required, when constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks shall have a main slab of not less than four (4) inches in thickness. For proper drainage all sidewalks shall have one-fourth an inch (1/4) per foot slope towards the adjacent street. Sidewalks shall have a minimum width of five (5) feet. Alignment with existing public or private facilities may be required.
- (g.) Handicap ramps shall be installed at all crosswalks so as to make the transition from street or parking area to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, 4000 lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the *Local Government Public Works Standards and Specifications*.
- (h.) Stormwater drainage for a proposed development, except in rare occurrences, has the effect of increasing net and peak run-offs. Adequate drainage shall provide for these increases. All catch basin grates shall be installed at binder surface grade until surface mix to be installed. At time of surface mix installation, all grates must be reset to avoid water flooding to downstream drainage systems. The developer shall be prepared to substantiate the basis for any method of drainage prepared by the appropriate licensed professional. The drainage network shall consist of a wide variety of drainage appurtenances ranging from inlets, manholes, street gutters, existing roadside ditches, and swales to small channels or pipes and stormwater detention/retention facilities, improvements. This system serves to collect the initial stormwater runoff and convey this runoff to properly and professionally-designed facilities. Retention and detention ponds shall be designed to limit the rate of runoff from the site and temporarily store the excess volume. The maximum allowable rate of discharge from the developed site shall be no more than would have occurred from a storm of specified frequency prior to site development. Runoff from the discharge design storm shall be computed for pre-development conditions at the site. The volume of any required or

necessary stormwater detention facility shall be sufficient to safely store the difference between the allowable discharge rates produced by the actual runoff from the developed site. The actual runoff under post-development conditions shall be computed based on a design frequency for a 24-hour duration storm, which varies in accordance with the drainage area above the point of discharge. Detention facilities must be designed to safely pass the runoff produced by the 100-year--24-hour storm under post-development conditions.

- (i.) No site plan shall be approved by the Planning Commission until one of the following conditions has been met.
1. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.
  2. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.
  3. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as *Local Government Public Works Standards and Specifications*.

11-1102. Telecommunications Tower Requirements

- A. Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the Town of Selmer by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the Town.
- B. 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, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.
- C. 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 Chapter XI of this ordinance and the following provisions;
  - 1. All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antenna arrays and accessory structures.
  - 2. A letter of intent from the owner allowing for the shared use of the tower.
  - 3. 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.
  - 4. A letter indicating why all existing telecommunications towers and water towers within 1 mile radius of the proposed tower cannot be utilized.
  - 5. A letter from a professional engineer stating that all public utility structures to include but not limited to water towers, and antennas cannot be utilized for collocation of antenna arrays or telecommunication equipment.
- D. Permitted Uses - All telecommunications towers shall be governed by the uses permitted and uses permitted on appeals section of each district with all uses being governed by the Standard Land Use Coding Manual.
- E. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted or permitted on appeal the Town of Selmer shall be specifically prohibited.



F. Type - All new telecommunications towers that exceed a height of 25 feet shall be of a monopole type structure. No lattice type telecommunication towers or antennas shall be permitted in the Town of Selmer.

G. Accessory Uses and Structures

A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the Town of Selmer. 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.

Each antennae 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. Accessory buildings or structures shall not exceed one story.

H. Structural Requirements

All new telecommunications towers not on an existing utility structure within the Town of Selmer shall be designed to accommodate a minimum of 3 antennae arrays.

All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.

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.

I. Setbacks

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 75 percent of the tower height or the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines.

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 or a residential district, measured from the security fence, shall be 100 percent of the tower height.

J. Co-Use of Utility Structures

The co-use of existing utility structures on the Town of Selmer shall be encouraged on existing power line structures exceeding 30 feet in height and water towers.

K. Height

No tower shall exceed a height of 300 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.

L. Shared Use

The shared use of existing towers within the Town of Selmer 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 within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons.

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.

The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.

The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

Geographic service requirements would prevent the co-use of an existing tower or utility structure.

M. 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 structures, whichever is greater.

N. 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.

O. Vehicle Access/Parking

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.

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.

P. Lighting

Towers: No artificially lighted tower shall be permitted in the Town of Selmer, unless required by the FAA (Federal Aviation Administration), or another State Agency, then the applicant shall be required to reduce the height of the tower, or move the tower to eliminate the requirement for lighting if located in close proximity to residential areas.

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.

Q. 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 Town 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.

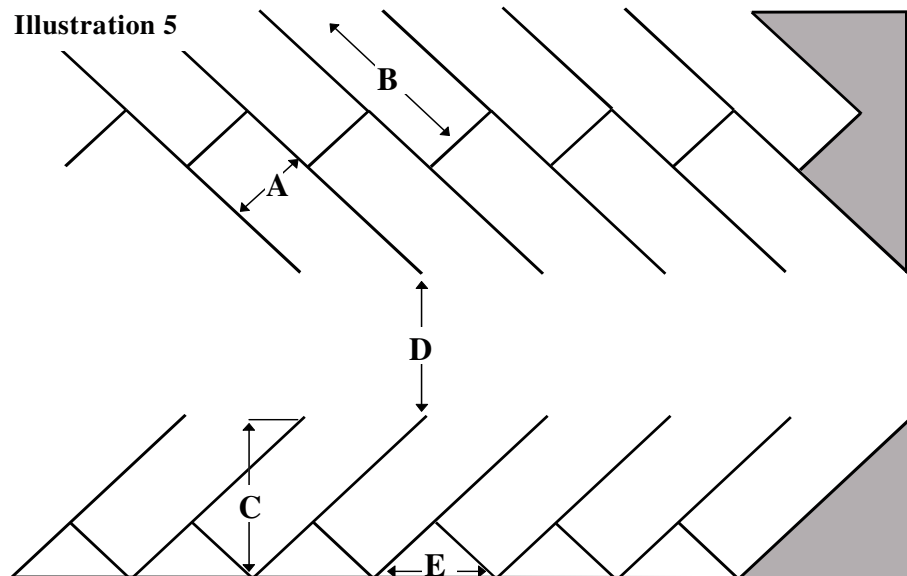
11-1103. Off-Street Parking Requirements

A. General Provisions

1. In all districts, when any building or structure is constructed or at the time any main building or structure is enlarged or increased in capacity by additional dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking shall be provided of at least 200 square feet per space with vehicular access to a street or alley. Spaces shall be marked of a minimum size of 10' x 20'. For commercial development when estimating a site's parking capacity it is best to provide 400 square feet of area per car to allow for access drives and incidental areas such as landscape plots and unusable corners. The Town reserves the right to control entrance and exit over private right-of-ways. Off-street parking space shall be deemed to be required open space associated with the permitted uses and shall not hereafter be reduced or encroached upon in any manner except in conformity with this Ordinance.

- a. A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth herein.
- b. Parking spaces maintained in connection with an existing and continuing main buildings or structure on the effective date of this Ordinance, shall be continued and may not be counted as serving a new structure or addition.
- c. A residential off-street parking space shall consist of a driveway and either a parking space, carport or garage and shall be located on the lot it is intended to serve.
- d. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with 4 inches of compacted gravel surface in accordance with specifications approved by the Building Official. Single-family and two-family developments shall provide an on-site parking and paving will be required in accordance with the specifications approved by the Building Official. In commercial, industrial, and multi-family developments, the parking area will be paved with 2 inches of asphalt surface treated to be impermeable to prevent the intrusion of water, or the parking area may be surfaced with concrete if preferred. The concrete shall be a minimum thickness of 4 inches of reinforced concrete approved by the building inspector.
- e. In parking areas which abut an adjacent property line or is adjacent to a street right-of-way, all areas shall have either a continuously formed curbing six inches in height or individual concrete stops located so as to prevent encroachment to any property line or street right-of-way.

2. Parking stall width, length, depth, etc. shall conform to the design in Illustration 5.



Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Aisle Width (D)	Curb Length Per Car (E)
0ø	10'	20'	10'	11'	23'
30ø	10'	20'	18'8"	11'	20'
45ø	10'	20'	21'3"	13'	14'2"
60ø	10'	20'	22'3"	17'6"	11'6"
90ø	10'	20'	20'	22'	10'

Note: Illustration Depicts 45 Degree Parking

B. The Minimum Off-Street Parking Requirements are as follows:

<u>Use</u>	<u>Spaces Required</u>
1. <u>Residential</u>	
(a) Dwelling, one and two family, Townhouses and mobile homes	2 spaces per dwelling unit
(b) Dwelling, Multi-family	1.5 spaces for each one bedroom unit; 2.0 spaces for each two-bedroom unit; 2.5 spaces for each three bedroom unit; 3.0 spaces for each unit having four or more bedrooms.
(c) Fraternities and sororities	2 spaces per bedroom plus 1 space for each 300 sq. ft. of common space
(d) Retirement home or assisted living home	1 space per employee plus 1 space per dwelling unit
(e) All other residential uses not listed	as determined by the planning commission or the board of zoning appeals
2. <u>Transportation, Communications</u>	
(a) Communications related services	1 space per 350 sq. ft. of total floor area
(b) Freight forwarding and trucking terminals	1 space per 5,000 sq. ft of total floor area
(c) Transportation related services	1 space per 350 sq. ft. of total floor area
(d) Warehousing and storage	3 spaces plus 1 space per 100 units
(e) All other transportation and warehousing not listed	as determined by the planning commission or board of zoning appeals

3. Retail

- |     |  |   |
|-----|--|---|
| (a) | Lumber and building materials  | 1 space per 500 sq. ft. of total floor area   |
| (b) | Plumbing and heating supply  | 1 space per 1,000 sq. ft. of total floor area   |
| (c) | Hardware and paint   | 1 space per 500 sq. ft. of total floor area   |
| (d) | Greenhouse, nursery products, agricultural equipment and lawnmower sales and service | 1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of floor area |
| (e) | Shopping centers and malls   | 1 space per 200 sq. ft. of total floor area   |
| (f) | General merchandise, clothing, variety and department stores                         | 1 space per 200 sq. ft. of total floor area   |
| (g) | Furniture, home furnishings, art, antiques and books and stationary                  | 1 space per 400 sq. ft. of total floor area   |
| (h) | Grocery stores and supermarkets  | 1 space per 150 sq. ft. of total floor area   |
| (i) | Delicatessens and bakeries   | 1 space per 150 sq. ft. of total floor area   |
| (j) | Package liquor store and beverage store  | 1 space per 200 sq. ft. of total floor area   |
| (k) | Mobile home, semi-truck and heavy equipment sales.                                   | 1 space per 500 sq. ft. of total floor area   |
| (l) | Restaurants, Cafes and Cafeteria   | 1 space per 200 sq. ft. of total floor area.  |
| (m) | Restaurants, fast food   | 1 space per 100 sq. ft. of total floor area   |
| (n) | Taverns, bars and drive-in restaurants   | 1 space per 150 sq. ft. of total floor area.  |
| (o) | Fuel or gas stations   | 1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces                  |
| (p) | Convenience store  | 1 space per 200 sq. ft. of total floor area   |
| (q) | Pawn shop  | 1 space per 300 sq. ft. of total floor area   |

4. Services

- |     |  |  |
|-----|--|--|
| (a) | Finance Insurance and Real Estate                                      | 1 space per 250 sq. ft. of total floor area. |
| (b) | Kennels  | 1 space per 1000 sq. ft. of total floor area |
| (c) | Labor unions, clubs lodges and civic, social or fraternal associations | 1 space per 100 sq. ft. of total floor area  |

- |                      |   |  |
|----------------------|---|--|
| (d)                  | Laundering, dry cleaning , apparel repair and cleaning services   | 1 space per 350 sq. ft. of total floor area  |
| (e)                  | Libraries, museums and art galleries  | 1 space per 1,000 sq. ft. of floor area  |
| (f)                  | Membership organizations  | 1 space per 300 sq. ft. of total floor area  |
| (g)                  | Motion picture theaters, amphitheaters and stadiums   | 1 space per 50 sq. ft of theater space   |
| (h)                  | Other Education Services  | 1 space per 300 sq. ft of total floor area   |
| (i)                  | Photocopying, mailing, exterminating and employment   | 1 space per 400 sq. ft of total floor area   |
| (j)                  | Physicians, dentist offices and clinics   | 1 space per 150 sq. ft of total floor area.  |
| (k)                  | Printing and publishing   | 1 space per 400 sq. ft of total floor area   |
| (l)                  | Rest homes or assisted living homes   | 1 space for each employee plus 1 space for each dwelling unit  |
| (m)                  | Roller skating rinks, gymnasiums, fitness clubs and athletic clubs  | 1 space per 250 sq. ft of total floor area   |
| (n)                  | Senior high school  | 1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each fifteen (15) students based on the capacity for which the building was designed. |
| (o)                  | Veterinarians and animal hospitals  | 1 space per 300 sq. ft floor area.   |
| (p)                  | Watch repair, reupholstery, and other repair services not listed  | 1 space per 300 sq. ft of total floor area with a minimum of 2 spaces  |
| (q)                  | Churches and Universities   | 1 space for every 150 sq. feet of floor space in sanctuaries for churches; 1 space for every 150 sq. feet of floor space in auditoriums for universities   |
| (r)                  | All other business, personal, professional, repair, governmental, recreation, assembly services and activities. | as determined by the Planning Commission or the Board of Zoning Appeals  |
| 5. <u>Industrial</u> |   |  |
| (a)                  | All industrial uses   | 1 space per 1,000 sq. ft. of floor area.   |

C. Required Handicapped Parking Spaces

(1) In all developments, handicapped parking spaces shall be provided which have a minimum width of sixteen (16) feet [or one van accessible space as required below with a 96 inch space and adjacent 96 inch access aisle] unless a 60 inch (5 feet) middle aisle is used in conjunction with two adjacent eleven (11) feet wide parking spaces designed as a van and non-van accessible space (referred to as the universal design standard).

One in every eight accessible parking spaces shall be van accessible with an acceptable overhead clearance of a minimum of 108 inches (9 feet). Two adjacent van accessible spaces shall have a minimum of two 96 inch (8 feet) spaces separated by a 96 inch (8 feet) aisle.

The number of handicapped parking spaces in relation to the total number of spaces is listed below (unless dictated for multi-family, or automobile showrooms or specified medical uses as dictated by the North Carolina Handicapped Code):

<u>Total Spaces in Lot</u>	<u>Required number of reserved spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1 for each 100 over 1000

(2.) Ramp slopes for wheelchair accessibility shall be between 1:12 and 1:20.



- (3.) The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed 200 feet.
- (4.) The number and location of handicapped parking spaces shall be dictated the North Carolina Handicapped Code, the Americans with Disabilities Act, or other applicable code. If there is a conflict, the strictest standard shall apply.

11-1104. Family Day Care Homes, Day Care Centers and Group Day Care Homes The following provisions shall apply to all Family Day Care Homes, Day Care Centers, and Group Day Care Homes in the Town of Selmer.

A. Family Day Care Home

Prior to the approval of a Family Day Care Home in the Town of Selmer, the day care shall adhere to the following provisions with the approving authority specifically addressing setback and buffering of the play area and can require additional setback or buffering, in specific cases, to protect adjacent residential uses.

1. Each family day care home shall be oriented towards caring for 5 to 7 children and shall not be allowed to care for more than 7 children.
2. Each family day care home shall provide a fenced play area of at least 1,200 square feet on the same lot in which the structure is located.
3. All outdoor play activities shall be conducted within the fenced play area.
4. Each home family day care shall be conducted in a single family residence only, not to include a mobile home. An accessory structure shall not be used in the operation of a family day care.
5. The family day care home shall meet the requirements of the Tennessee Department of Human Services relative to maintenance and operation.
6. All persons engaged in the family day care home shall be residents of the home, except that one non-resident may be employed or utilized on a temporary basis only during periods of illness or other emergencies.
7. No more than 20% and not less than 10% of the ground floor area shall be used as part of the family day care operation.
8. There shall be no signs advertising the property as a day care facility.
9. Prior to the approval of a family day care home, a site plan drawn to a scale of, a minimum of 1" = 25' shall be submitted which depicts the following.
  - a. The lot upon which the family day care is proposed.
  - b. A foot print, with total square footage, of the structure in which the family day care will be located.
  - c. The access or driveway to the structure.

- d. The fenced in play area.
- e. Setback from adjoining property owners
- f. Buffering from adjoining residential uses.

B. Day Care Centers and Group Day Care Homes

Prior to the approval of a Day Care Center or a Group Day Care Home in the Town of Selmer, the operation shall adhere to the following provisions, with the approving authority specifically addressing setback and buffering of the play area and can require additional setback or buffering, in specific cases, to protect adjacent residential uses.

1. Each day care center or group day care home shall adhere to the following minimum requirements for a fenced in play area:
 

a. Day Care Center	4,000 sq. ft. plus 100 sq. ft. for each child over 20.
b. Group Day Care	2,400 sq. ft.
2. A group day care home shall be oriented towards caring for 8-12 children and shall up to three (3) additional school age children who will only be present before and after school.
3. The day care center or group day care home facility shall meet the requirements of the Tennessee Department of Human Services relative to maintenance and operation.
4. All outdoor play activities for a day care center or group day care home shall be conducted within the fenced play area.
5. If a lower level of a day care center or group day care home operation is proposed to be expanded to a higher level of day care operation , the new day care operation shall need new approval of the expansion with a site plan being required to the approving authority.
6. Prior to the approval of a day care center or group day care home, a site plan shall be submitted in accordance with 11-903.1 (I). Of this Chapter. In addition, the site plan shall show the fenced in play area and buffering from adjoining residential uses. (The approving authority may waive any of the site plan requirements it deems unnecessary for its review.)

11-1105. Home Occupations

A. Purpose

The regulations set forth herein are established to guide in evaluating an application for a home occupation. In evaluating an application for a home occupation, the Board of Zoning Appeals shall ensure that;

1. The public interest is adequately protected;
2. No change in the character of the surrounding neighborhood shall occur;

3. No excessive noise, heat, increased traffic, parking, odor or hazard shall result;
4. No strain or burden is placed on existing public facilities and services hazard shall occur; and,
5. The home occupation would not be more appropriate as a use permitted by right in another zoning district, thereby ensuring protection to similar uses located in other districts.

B. Performance Standards

Home occupations are permitted as incidental and subordinate use in specific residential districts when the applicant submits to the Board of Zoning Appeals satisfactory evidence of compliance with all of the following conditions:

1. Employees - A home occupation shall be conducted solely by the resident occupants in their residence.
2. Incidental and Subordinate Uses - The applicant must clearly demonstrate to the Board of Zoning Appeals that the home occupation is incidental and subordinate to the residential use. To ensure the incidental and subordinate character, the home occupation shall be limited to 15 percent of the total area of the first floor of the residence.
3. Appearance - In no way shall the appearance of the structure be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
4. Accessory Buildings - No building or space outside the principle building shall be used for purposes of a home occupation.
5. Traffic - The additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. The occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
6. Nuisance Controls - Home occupations shall not generate traffic, parking noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
7. Utilities - The public utility cost (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
8. Signs - No signage of any type shall be permitted for a home occupation.

C. Permitted Home Occupations

Home occupations include, but are not necessarily limited to, the following, provided all of the conditions and standards, as set forth herein, are met by the applicant, and subject to the approval of the Board of Zoning Appeals.

1. Artist and sculptors
2. Authors, composers and musicians
3. Dressmakers, seamstress and tailors
4. Home crafts, such as model making, rug weaving lapidary work
5. Office facility of a rabbi, minister or priest
6. Office facility of a salesperson, sales representative or manufactures representative provided that no retail or wholesale transactions are made on the premises
7. Desktop publishing and computer programming
8. Caterer,
9. Professional and business activities not involving meetings with non-resident associates or clients, limited to one at a time
10. Teacher where no more than two pupils are present at any given time

D. Prohibited Home Occupations

The following are business activities that are specifically prohibited as a home occupation.

1. Antique shop
2. Barber Shop
3. Beauty Shop
4. Funeral Chapel or Funeral Home
5. Medical or Dental Clinic or Hospital
6. Renting of trailers
7. Restaurant
8. Stable or kennel
9. Tourist home
10. Veterinary clinic or hospital
11. Gun sales or repair

11-1106. Homes for the Aged, Health Care Incidental The following provisions shall apply to all homes for the aged, health care incidental (assisted care living facilities) in the Town of Selmer.

- A. Each home for the aged (assisted care living facility) development located in an R-1 or R-2 district shall not have more than 8 living units.
- B. Each home for the aged (assisted care living facility) shall adhere to the parking requirement of this Chapter.
- C. Each home for the aged (assisted care living facility) shall provide a 10' land scaping buffer along the rear and side yards.

11-1107. Provisions Governing Mobile Home Parks

### Intent and Applicability

The Board of Zoning Appeals may at its discretion permit mobile home parks. 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. Following Board of Zoning Appeal approval of the Mobile Home Park by the Board of Zoning Appeal, the Planning Commission shall review mobile home park site plans as well. This Planning Commission power shall include the power to specify access points and driveway and parking locations, confirmation of utility capacity, specify utility location, verify utility requirements, specify proposed utility easement location, and similar site design matters. Such public street or public utility plats may be required to be in a form suitable for recordation under state law and/or Subdivision Regulations. This Planning Commission review 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. The mobile home park site plan shall meet the minimum standards set forth in the applicable district provisions, General Provisions, Special Provisions, Flood Hazard, the provisions in this section, or any other relevant provision in the Zoning Ordinance.

These provisions shall apply to mobile home parks only when mobile home parks are specified as Uses Permitted or Special Exceptions (Uses on Appeal) in the applicable zoning district. Annual fee and inspection provisions may also apply to nonconforming Mobile Home Parks, which become nonconforming at a later date as permitted by this ordinance.

A. Permit for Mobile Home Park

1. No place or site within said Town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the Town Building Inspector following the review of the appropriate review bodies in the name of such person for the specific mobile home park. The Town Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.
2. It shall be unlawful for any person or persons to maintain or operate, within Selmer, any existing mobile home park unless he holds a valid permit issued by

the Building Inspector in the name of such person or persons for the specific mobile home park.

3. Every person or any entity holding a mobile home park permit shall give notice in writing to the Building Inspector fifteen (15) days prior to the sale, transfer, the act of bestowing, or other disposal of interest and/or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership of control of such mobile home park for the purpose of transferring the permit.
4. No mobile home park in Selmer shall operate without the appropriate Town and county business permits and licenses.
5. It shall be unlawful to construct any building including accessory buildings, or move or alter any building without the approval of the Board of Zoning Appeal, since mobile home parks are special exceptions. Such construction may be permitted if allowed as a Permitted Use. Location of a mobile home in an existing mobile home space shall be lawful once the building inspector has issued a building permit for such use. Any permit issued shall become void six (6) months from the date of issuance unless substantial efforts have been made by that date to exercise that power permissible by the permit.
6. Any use, arrangement, or construction at variance with those originally authorized plans submitted as a basis for any permit shall be deemed a violation of this section and void the permit.
7. In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state agency or appropriate official.
8. No mobile home shall be used, placed, stored, or serviced by utilities within any mobile home park in the Town unless there is posted near the door of said mobile home a valid Tennessee State License and federal inspection sticker.
9. The building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.
10. When an existing mobile home is being replaced, the replacement mobile home shall be not more than ten (10) years old as determined by its model year. No replacement mobile home shall be attached or affixed to the realty until the Building Inspector has determined compliance with this Section.
11. When a mobile home park is a nonconforming use in a zoning district, a mobile home space shall have to be made conforming in accordance with H. Minimum Mobile Home Space and Spacing of Mobile Homes unless a mobile home is placed on the existing space within six (6) months.

B. Fees

In order to assure a more cost effective system for the provision of inspection services, permit fees are hereby established as follows:

1. Mobile home park permit fee – an annual mobile home park inspection fee shall be required for all mobile home parks within Selmer. This fee for the mobile home park permit shall be collected by the building inspector.
2. Business permit (license) fees -- Appropriate Town and county fees are required for business permits and license and shall be obtained prior to the construction of any mobile home park within Selmer.
3. Electrical inspection fee -- An electrical inspection fee is required and shall be levied in accordance to Tennessee statutes for inspection services recommended.
4. Anchoring fee and other applicable fee required by the State of Tennessee -- Documentation provided by the owner or agent of the Mobile Home Park that all applicable fees and inspections as required by Tennessee statutes have been levied in accordance with said statutes shall be presented to the building inspector immediately upon receipt. This documentation shall be kept in a permanent file in the Office of the Building Inspector.

C. Inspections by Town Building Inspector

The Town Building Inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Town Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

No mobile home shall be used, placed, stored or serviced by utilities within the Town of Selmer or within any mobile home park in said Town unless there is posted near the door of said mobile home a valid Tennessee State License.

D. Code Compliance

A mobile home shall not be admitted to any park unless it can demonstrate that it meets the requirements of the Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state/local administered code insuring equal or better plumbing, heating or electrical installations.

In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state inspector or appropriate designee. The anchorage inspector shall make inspections of the mobile home anchorage and tie down facilities in accordance with Sections 68-126-401 through 68-126-412 of the Tennessee Code Annotated and the Commissioner of Commerce and Insurance, or the commissioner's designee.

The electrical inspector shall make inspections in accordance with those powers designated by the appropriate State regulations.

E. Location and Planning

1. The development site shall be suitable for residential use. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply or create erosion problems for adjacent properties. The site shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, or unusual noise.
2. Essential community facilities and services for residential development shall be reasonably accessible to the development site or provisions shall be made to assure that such facilities are provided.
3. Direct vehicular access to the development site shall be provided by an abutting improved public street of at least a “collector” classification as shown on the Town’s major road plan.
4. Every mobile home site within the mobile home park shall meet the minimum requirements set forth in this section for the development of individual sites. These criteria are for the purpose of assuring privacy, adequate natural light and air, and convenient access and circulation around each mobile home.

F. Minimum Size of Mobile Home Park

The tract of land for the mobile home park shall comprise an area of not less than ten (10) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

G. Minimum Number of Spaces

Minimum number of spaces completed and ready for occupancy before first occupancy is two (2).

H. Minimum Mobile Home Space and Spacing of Mobile Homes

1. Each mobile home space shall be adequate for the type of facility occupying the same. Yards and building lines shall be measured as defined in the Zoning Ordinance as if the mobile home space is a lot. Individual mobile homes shall be placed in mobile home park spaces which comply with the following requirements
  - a. Minimum required mobile home space area                      7,000    square feet for each mobile home.
  - b. Maximum mobile home space coverage                      Thirty-five                      (35) percent.



- c. Minimum mobile home space width at building line One hundred twenty (120) feet.
- d. Minimum perimeter requirements for each proposed mobile home space.
  - 1. Minimum required front yard Twenty-five (25) feet
  - 2. Minimum required rear yard Fifteen (15) feet
  - 3. Minimum required side yard on each side of mobile home space Fifteen (15) feet
- e. The limits of each mobile home space being marked by permanent ground stakes.
- f. Mobile home spaces shall be arranged in a manner that affords practical access for the placement and removal of mobile homes.
- g. All mobile homes shall be secured through an anchorage system as specified by Tennessee state statutes.

I. Streets

- 1. All mobile home parks shall be provided with safe and convenient vehicular access from abutting “collector” streets as described on the Selmer Major Road Plan. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.
- 2. The street system shall be designed to recognize existing easements, utility lines, etc., which must be preserved and to permit connection of existing facilities where necessary for the proper functioning of the drainage and utility systems. Streets shall also be adapted to the topography, have suitable alignment for traffic safety, and have satisfactory surface and ground water drainage.
- 3. All streets either public or private shall be designed with the minimum right-of-way of local or collector status streets and constructed to the appropriate standards as established in the Selmer Subdivision Regulations. No proposed right-of-way shall be less than fifty (50) feet in width.
- 4. Before any proposed street may be constructed, the area must first be inspected by the Town public works officials who will at that time review the size of culvert necessary, to prevent future drainage problems. The developer will be responsible for the provision of the specified culvert and installment in the manner as is indicated by the Town personnel or engineers.

5. Surfaced streets are required, and all streets shall meet the technical specification as required by the Selmer Subdivision Regulations.
6. All streets located within a mobile home park shall be illuminated with lighting units consisting of four hundred (400) watt mercury vapor lamps at intervals of one hundred (100) feet approximately thirty (30) feet from the ground.
7. Off-street parking areas shall be provided in all mobile home parks for the use of the occupants and guests without interference with the normal movement of traffic. All parking spaces shall be located so access can be gained only from interval streets of the mobile home park. Specific parking facility requirements are detailed in Section J.
8. All mobile home parks shall be provided with safe and convenient pedestrian access between mobile homes and park facilities. A common walk system is recommended for those areas in which pedestrian traffic is concentrated in a large development.

J. Parking Spaces

Off-street parking shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Parking arrangements shall adhere to the following requirements:

1. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home space.
2. Car parking spaces shall be located for convenient access to the mobile home spaces.
3. The size of the individual parking spaces shall have a minimum width of not less than ten (10) feet and length of not less than twenty-two (22) feet.
4. Each space shall be constructed of either a hot mix or concrete hard surface.
5. The number, location, dimensions and any other provisions pertaining to handicapped parking shall be required as per the Zoning Ordinance, federal, state, or other local code.

K. Water Supply

1. Public water supply shall be required and used exclusively.
2. The bacteriological and chemical quality of the water shall be acceptable in accordance with the appropriate public water provider and the requirements for the State of Tennessee.
3. The feeder water lines shall be as required by the Selmer Water System.
4. The water system must be adequate to provide five hundred (500) gallons per minute fire flow and maintain a twenty (20) pounds psi residual pressure under

normal operating conditions at each mobile home. The individual size of the feeder water lines shall be a minimum of six (6) inch or more as required by the Town public works. All fire hydrants shall be located at distances and locations approved by Selmer Water System Department and the Fire Department. The maximum distance shall not exceed 500 feet. The fire hydrants shall be the three way type as specified by Town standards.

5. The water supply system shall be connected by pipes to all mobile homes and other facilities requiring water in such a manner that neither underground nor surface contamination will reach the water from any source. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with the International Building Code and Tennessee State Health regulations. Written approval from the Tennessee Department of Conservation and Environment shall be required for all water line extensions.
6. All materials, design, and specifications shall meet the requirements and be approved by the Selmer Water System.

L. Sewage Disposal

An adequate and safe sewage disposal system must be provided in all mobile home parks for conveying and disposing of all sewage. Mobile home parks must connect to a satisfactory public sewage disposal system. In no case will a septic tank system or package treatment plant be approved. In addition, the sewage disposal system shall meet the following general requirements:

1. The sewage disposal system shall be approved in writing by the Tennessee Department of Conservation and Environment and subject to maintenance inspections.
2. All sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements, and constructed in such a manner as to have watertight joints. Sewer lines shall be separated from the water supply system and be constructed and maintained in accordance with the International Building Code and Tennessee Department of Conservation and Environment regulations.
3. All sewer lines shall be at a grade which will insure a velocity of two feet per second when flowing full and designed for a minimum volume flow of 250 gallons of sewage per day per mobile home.
4. All materials, design, and specifications shall meet the requirements of Selmer Public Works Department and shall be approved by the Department in accordance with local standards and the Department of Conservation and Environment

M. Electricity

Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, and equipment installed and maintained in accordance with the applicable codes

and regulations governing electrical distribution systems. The electrical distribution system shall also meet the following general requirements:

1. Main primary lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home or other structure.
2. All underground electric cables shall be without splices or taps between junction boxes and protected by ridged conduit at all points of entry or exit. Such cables shall be located no less than eighteen (18) inches below the ground surface and located in a separate trench not less than one (1) foot radial distance from water, sewer, gas, and other piping.
3. Demand factors for feeder and service lines shall be calculated in accordance with the International Building Code to determine the appropriate line sizes.
4. All materials, design, and specifications shall meet the requirements of and be approved by the Pickwick Electric System.

N. Illumination

The developer/owner shall install street lighting in accordance with the requirements of Pickwick Electric System and shall be approved by the System.

1. The park shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.
2. The owner shall pay the energy cost of operating and maintaining the street lighting system. The owner shall apply to the Pickwick Electric System for electrical service. The owner shall post a bond in addition to any deposits required by the Pickwick Electric System. The amount of this bond shall be determined by the Pickwick Electric System at the time of application for services. The bond shall be perpetual and running for as long as the park shall be in operation.

O. Gas Supply

Natural gas systems equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes and regulations. The natural gas supply system shall meet the following general requirements:

1. Underground piping shall be buried at a sufficient depth to protect it from physical damage as outlined in the International Building Code. No piping shall be installed underground beneath a mobile home or other structure.
2. All gas regulators, meters, valves and other exposed equipment shall be protected from physical damage.

3. A readily accessible and identified emergency shut-off valve controlling the flow of gas to the entire internal gas piping system of a mobile home park shall be installed near to the point of connection to the service piping.
4. Demand factors for use in calculating gas piping systems shall be in accordance with the International Building Code.
5. All natural gas systems shall meet the current editions of the International Building Code, National Fuel Gas Code, Minimum Federal Safety Standards, and any other applicable Federal, State, County, or local codes.
6. All materials, design, and specifications shall meet the requirements of Selmer Gas System and shall be approved by this system.

P. Garbage Disposal

The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. A commercial dumpster system shall be utilized exclusively for solid waste disposal. In addition, the refuse disposal system shall meet the following general requirements:

1. All refuse shall be stored in fly proof, water tight and rodent proof containers, which shall be located not more than 150 feet from any mobile home space or lot. These containers shall be located not more than 150 feet from any mobile home space of lot. These containers shall be located on concrete dumpster pads designed to prevent or minimize spillage and container deterioration.
2. A sufficient number of containers of adequate capacity in accordance with Town approval shall be provided to properly store all refuse. The refuse within these containers shall be collected and disposed of on at least a weekly basis in the approved manner.

Q. Service Facilities

1. The requirements of this section shall apply to permanent service facilities including, but not limited to management offices, laundry facilities, and sanitary facilities. Such facilities are required for developments for the convenience of the occupants. All recreational open space shall consist of a minimum area of not less than one hundred (100) square feet per space.
2. The growth of brush, weeds, and grass in open areas shall be controlled and maintained to prevent heavy undergrowth of any description. Special emphasis shall be on preventing the growth of ragweed, poison ivy, poison oak, poison sage, and other noxious weeds considered to be detrimental to health.
3. Care shall be taken to control dry brush, litter, rubbish, and other such flammable materials that might communicate fire between mobile homes and other structures.

4. A mobile home shall not be occupied for dwelling purposes unless it is properly installed on a mobile home stand and connected to all utilities. The park management shall supervise such installation.
5. No mobile home shall be admitted to a mobile home park unless it can be demonstrated that it meets the requirements of the Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state administered code insuring equal or better systems. Mobile homes manufactured prior to 1976 shall be exempt from this requirement.
6. No dogs, cats, or other domestic animals shall be permitted unrestricted freedom within the limits of a mobile home park. Any kennels or pens for such animals shall be maintained in a sanitary condition at all times.
7. Pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of this mobile home park section. Expansion shall only occur after compliance with the requirements of this chapter.
8. Every mobile home park within Selmer shall be operated with adequate supervision to assure the park, its facilities, and equipment are maintained in good repair and operated in a clean and sanitary condition at all times.
9. An evergreen buffer strip consisting of trees, shrub or hedge which will grow to a height of not less than ten (10) feet and be spaced not less than ten (10) feet apart shall be planted along all boundaries of the mobile home park.

R. Application Procedure

1. The developer shall consult early and informally with the Planning Staff and all applicable Town departments for advice and assistance before the preparation of the site plan and the formal application for approval in order to become familiar with all regulations and area plans.
2. Applications for proposed mobile home parks or expansions and additions to existing mobile home parks shall be filed with the Board of Zoning Appeal followed by Planning Commission for review and approval. Plans of the proposed mobile home park or expansions shall be filed with the building inspector at least fifteen (15) days prior to the Board of Zoning Appeal and Planning Commission meeting at which it is to be considered. The plan shall contain the following information and conform to the following requirements:
  - a. The plan shall clearly and legibly be drawn to a scale not smaller than one hundred (100) feet to one (1) inch;
  - b. Name and address of owner of record;
  - c. Proposed name of park and the total acreage involved along with the acreage of any remainder of the tract which is not being used as a part of the mobile home park ;

- d. Existing zoning classification (including 100 year floodplain and floodway boundaries and elevations, if applicable);
- e. North point and graphic scale and date;
- f. Vicinity map showing location and acreage of mobile home park;
- g. Exact boundary lines of the tract by bearing the distance;
- h. Names of owners of record of adjoining land;
- i. Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- j. Contour lines at two (2) feet intervals or as required by the planning commission;
- k. Proposed design including streets, proposed street names, lot lines, existing and proposed mobile home spaces with dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- l. Provisions for water supply, sewerage, and drainage;
- m. Such information as may be required by the Town to enable it to determine if the proposed park will comply with legal requirements;
- n. The applications and all accompanying plans and specifications shall be filed in triplicate with the building inspector;
- o. Certification that the applicant is the land owner
- p. Certification by the state health officer concerning the acceptability of the sewage disposal and water system;
- q. Certification of approval by a licensed surveyor or engineer, as would be required by the planning commission;
- (r.) No site plan shall be approved by the Planning Commission until one of the following conditions has been met.
  - 1. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.
  - 2. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.
  - 3. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission

release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as *Local Government Public Works Standards and Specifications*.

3. Following an initial review of the site plan for approval as a Special Exception by the Board of Zoning Appeal but prior to the submission of the site plan to the Planning Commission, the applicant shall provide a written description of any conditions as required by the Board of Zoning Appeal and the modified site plan, if applicable, for Board of Zoning Appeal review at a second meeting unless conditions were not required. Such description shall include the site plan and a buffering and landscape plan (complying with the minimum in Q 9 above unless more is required by the Board of Zoning Appeal).
4. Within sixty (60) days after submission of the site plan (or modified site plan), the Planning Commission will review the site plan and accompanying description of any conditions required by the Board of Zoning Appeal. The Planning Commission will approve or disapprove the site plan and accompanying descriptions. If disapproved, reasons for such shall be stated in writing. Where modifications have been required of the applicant, such modifications are to appear on the site plan, such changes, as recommended by the Planning Commission, shall have been made.

S. Board of Appeals

The Selmer Board of Zoning Appeals shall serve as the Board of Appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this ordinance, may appeal for and receive a hearing by the Selmer Board of Zoning Appeals for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of the ordinance, the Board of Zoning Appeals, may, in conformity with the provisions of this ordinance, reverse or affirm any order, requirement, decision or determination made by the Building Inspector.





## CHAPTER XII

### PROVISIONS FOR FLOOD HAZARD DISTRICTS

#### 11-1201 Statutory Authorization, Findings of Fact, Purpose and Objectives

##### A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-211; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Selmer, Tennessee Mayor and Board of Aldermen does ordain as follows:

##### B. Findings of Fact

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

##### C. Statement of Purpose

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

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

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

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

11-1202. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a



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

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

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

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

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

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

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

11-1203. General Provisions

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the McNairy County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) 47109CV000A and Flood Insurance Rate Map (FIRM), Community Panel Number 47109C0210F, 47109C0220F, 47109C0228F, 47109C0236F, 47109C0237F, 47109C0238F, 47109C0239F and 47109C0341F effective: December 2, 2008 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

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

11-1204. Administration

A. Designation of Ordinance Administrator

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

B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in 11-1204. B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

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

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

C. Duties and Responsibilities of the Administrator

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

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with 11-1204. B.

6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with 11-1204. B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with 11-1204. B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11-1202 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 11-1204. B.

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

#### 11-1205. Provisions for Flood Hazard Reduction

##### A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

**B. Specific Standards**

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

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of 11-1205. B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11-1202 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 11-1204. B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or

floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11-1202 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 11-1204. B.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 11-1204. B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
    - (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 the finish 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 elevated living area (stairway or elevator); and
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of 11-1205. B. of this Ordinance.
4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - (i) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
  - (ii) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of 11-1205. B. 4 of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
  - (i) Be on the site for fewer than 180 consecutive days;
  - (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
  - (iii) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

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

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.



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

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

Located within the Areas of Special Flood Hazard established in 11-1203. B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- 2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of 11-1205.

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

Located within the Areas of Special Flood Hazard established in 11-1203. B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- 1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 11-1205. B.

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

Located within the Areas of Special Flood Hazard established in 11-1203, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with 11-1203, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of 11-1205. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 11-1205, B, and "Elevated Buildings".

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

Located within the Areas of Special Flood Hazard established in 11-1203, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of 11-1205, B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood

level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in 11-1204, B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in 11-1203. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of 11-1204. And 11-1205. A. shall apply.

H. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 11-1204.

11-1206. Variance Procedures The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Selmer, Tennessee.

A. Board of Zoning Appeals

1. The Selmer Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the

variance is the minimum to preserve the historic character and design of the structure.

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

**B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

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

11-1207. Legal Status Provisions

A. Conflict with Other Ordinances

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

B. Validity

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

C. Effective Date

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

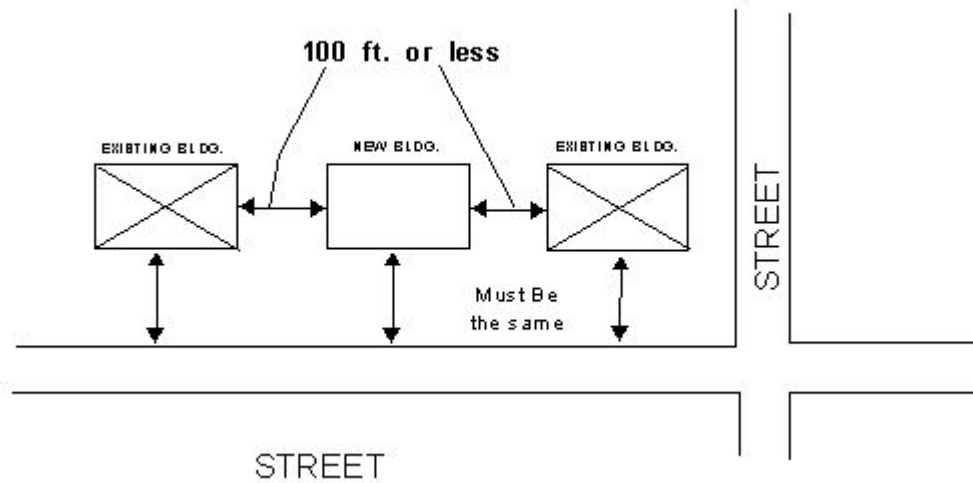
CHAPTER XIII

EXCEPTIONS AND MODIFICATIONS

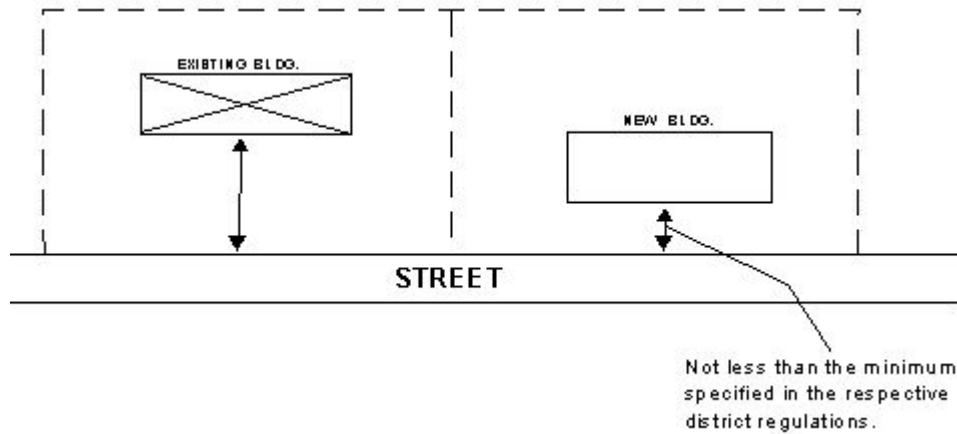
11-1301. Lot of Record - Where the owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the term of this ordinance, in accordance with Section 11-1504. Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the districts are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

11-1302. Front Yard - The front yard requirements established in the residential districts may be adjusted in situations where the enforcement of the yard requirements would create yard measurements different from those measurements existing for previously developed surrounding properties. The diagrams on the following page illustrate the adjustments:

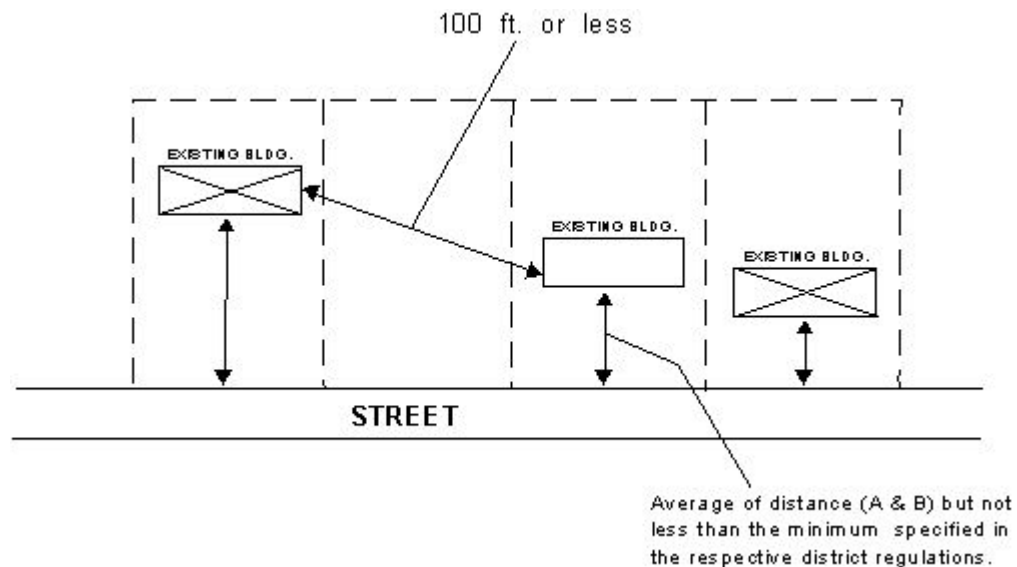
- A. Where a new building will be constructed within 100' or less of existing buildings with equal front yard setbacks the required front yard for the new building shall be the same as that for the existing buildings. (Figure 1)



- B. Where the new building will be constructed within 100' or less of existing buildings with varying front yard setbacks, the required front yard for the new building shall be the average of the front yard setbacks of the existing buildings, but not less than the minimum specified in the respective district regulations. (Figure 2)



- C. Where a new building will be constructed more than one-hundred (100) feet from the existing buildings the required front yard for the new building shall not be less than the minimum specified in the respective district regulations. (Figure 3)



## CHAPTER XIV

### ENFORCEMENT

11-1401. Enforcing Officer - The provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the Board of Mayor and Aldermen who shall have the power to make inspection of buildings and premises necessary to carry out his duties in the enforcement of this Ordinance.

#### 11-1402. Building Permits and Certificates of Occupancy

- A. Building Permit Required - It shall be unlawful to commenced the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory building, until the Building Inspector has issued a building permit for such work.
- B. Issuance of Building Permit - In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan, unless otherwise specified, indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any buildings already on 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 are in conformity with the provisions of this Ordinance and other ordinances of the Town of Selmer, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
1. 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 the date of the project described therein.
- C. Certificate of Occupancy - No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or if such certificate is refused, to state such refusal in writing with the cause.
- D. Certificate of Temporary Occupancy - No travel trailer can be occupied for a period of more than fifteen (15) days until the Building Inspector has issued a certificate of temporary occupancy allowing the structure to be used as a dwelling on a licensed mobile home park or travel trailer park for a six (6) month period.
1. A certificate of temporary occupancy can be renewed for twice following the initial period for a total of eighteen (18) months.



2. Upon expiration of the certificate, the occupant and temporary dwelling must leave the park.
  3. Occupants of the park who are working on public projects will be allowed to extend their temporary residency until completion of the project. The occupants will then have fifteen (15) days to vacate the park.
- D. Records - A complete record of such application, sketches and plans shall be maintained in the office of the Building Inspector.

11-1403. Penalties - Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

11-1404. Remedies - In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in the violation of this ordinance, The Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

## CHAPTER XV

### BOARD OF ZONING APPEALS

11-1501. Creation and Appointment - A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Selmer Board of Zoning Appeals shall consist of three (3) members who shall serve for a period of four (4) years. Each member will be appointed by the Mayor with the consent of the Aldermen. One member will be elected among the appointed members of the Board of Zoning Appeals to serve as chairman.

11-1502. Procedure - Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

11-1503. Appeals: How Taken - Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any grant or refusal of a building permit or other act or decision of the Building Inspector or of the municipality or other administrative official based in whole or part upon the provisions of this Ordinance. Such Appeal shall be taken by filing with the Board of Zoning Appeals a notice of Appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal. Give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or attorney.

11-1504. Powers - The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the building inspector or other administration official in the refusal carrying out or enforcement of any provision of this Ordinance.
2. To permit the extension of a district for a distance of not more than twenty-five (25) feet where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Ordinance.
3. To interpret the Official Zoning Map where questions of designation arise.
4. Where, by reason of exception narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations, or condition of such piece of property, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property, to authorize, upon appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is not sufficient proof of hardship. Before a variance is granted it shall be shown that there are circumstances

attached to the property which do not generally apply to other property in the neighborhood.

5. Allow in accordance with the following procedure the uses designated as permitted on approval of the Board of Zoning Appeals provided that:
  - a. All provisions set forth in the appropriate zoning district are met.
  - b. All special provisions set forth in this section are met.

## CHAPTER XVI

### AMENDMENTS

11-1601. Zoning Amendment Petition - The Board of Mayor and Aldermen of Selmer, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this Ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this Ordinance.

11-1602. Planning Commission Review - No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Town Planning Commission. If the Town Planning Commission, within thirty (30) days after such submission disapproved, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Town Planning Commission neither approves nor disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment.

11-1603. Public Hearing on Proposed Amendment - Upon the introduction of an amendment to this Ordinance or upon the receipt of a petition to amend this Ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment together with the notice of time set forth hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Selmer, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

**CHAPTER XVII**

**LEGAL STATUS PROVISIONS**

11-1701. Conflict with Other Ordinances. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Selmer, the most restrictive shall in all cases apply.

11-1702. Validity. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not in itself invalid or unconstitutional.

11-1703. Effective Date. This ordinance shall take effect and be in force immediately upon its passage, the public welfare demanding it.

11-1704. Repeal of Prior Ordinance: The prior Zoning Ordinance of the Town of Selmer, Tennessee, adopted as later amended, is hereby repealed on the effective date of this Ordinance.

Approved and Certified by the Selmer Municipal-Regional Planning Commission

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Secretary, Selmer Municipal-Regional Planning Commission

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Date

