

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

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4.010. Off-street parking requirements. Off-street automobile storage or standing space shall be provided on each lot upon which any type of land use is hereafter established. One (1) vehicle space shall be one hundred-sixty two(162) square feet in size (9 feet x 18 feet) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. Single Detached Dwelling and Duplex: Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling: Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses: Not less than one (1) space for each one (1) room to be rented.

D. Townhouse and Condominium: Not less than two (2)  
spaces per dwelling unit.

- E. Other Dwelling Units: Not less than two (2) spaces per dwelling unit.
- F. Hotels, Motels and Other Tourist Accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space for each employee.
- G. Any Auditorium, Church, Stadium, or Other Place of Public Assembly: Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- H. Manufacturing, Industrial or Wholesaling Use: Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- I. Office and Professional Buildings: Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor plus one parking space for each five hundred (500) square feet of floor space (or fraction thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection, plus one (1) parking space per each employee.
- J. Retail Sales and Service Establishments: Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space.
- K. Medical or Dental Clinic: Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.

L. Service Stations: Not less than five (5) spaces for grease rack or service bay, or one (1) space for each 1,400 square feet of lot area or fraction thereof, whichever is greater.

M. Restaurants: Not less than one (1) space for one hundred fifty (150) square feet of gross floor area, plus one (1) space for each employee. For drive-in restaurants, one (1) space per one hundred (100) square feet of gross floor area, plus one (1) space for each employee.

N. Shopping Centers: Seven (7) parking spaces per each one thousand (1,000) square feet of gross floor area.

O. Other: For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

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

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

4.013. Remote parking space. If the off-street parking space required by this resolution cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within two hundred (200) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provisions of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. Extension of parking area into a residential district. Required parking space may be extended one

hundred (100) feet into a residential district, provided that:

- A. The parking area adjoins a commercial or industrial district.

- B. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- C. The parking area is separated from abutting properties in the residential districts by a buffer strip.

4.015. Requirements for design of parking lots.

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred-sixty two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.
- D. All off-street parking and access to parking areas shall be surfaced with asphalt or concrete or other type of impervious surface capable of withstanding the traffic load as deemed acceptable by the planning commission, and so constructed to provide for adequate drainage for all on and off-site affected properties such that stagnant pools of water are eliminated, as well as to prevent the release of siltation off the site. All parking spaces shall be clearly marked.
- E. There shall be a parking aisle at least 22 feet wide serving all 90 degree and 60 degree angled parking spaces. For all 30 and 45 degree angled parking spaces there shall be a minimum parking aisle of 16 feet in width.

4.020. Off-street loading and unloading requirements.  
Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public

alley. Such space shall have access to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

**Total Usable Floor Area  
for Principal Building**

**Spaces Required (See  
ARTICLE II, for Definition)**

0 to 4,999 sq.ft.

One (1) space

5,000 to 20,000 sq. ft.

Two (2) spaces

Over 20,000 sq. ft.

One (1) space for each  
additional 20,000 sq. ft.

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

4.030. Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following use are deemed to be temporary uses and shall be subject to the specific regulations of any district in which such use is located:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-1, I-1, or I-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.
- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Religious Tent Meetings: \_\_\_\_\_ In any district a  
Temporary Use Permit may be issued for a tent or  
other temporary structure to house a religious  
meeting. Such permit shall be issued for not more  
than a thirty (30) day period. Such activity shall  
be permitted only on lots where adequate off-street  
parking can be provided.

E. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a temporary Use Permit as provided under this subsection must produce a written statement from the South Cheatham Utilities System and the Cheatham County Health Department when applicable, approving the water supply and sewerage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

F. Sale of Fireworks: Fireworks shall be sold only in the C-1 District. A mandatory, non-transferable temporary use permit for the sale of fireworks is hereby made a condition prerequisite to selling or offering for sale, shipping or causing to be shipped any fireworks into the Town of Pegram, Tennessee. Such permit shall be issued for a period of not longer than thirty (30) days. Such temporary use permit will be permitted only when there is adequate off-street parking provided to the sales site, and no sale shall be commenced unless the applicant shall possess and have obtained the proper permits from the State of Tennessee. The fireworks seasonal retailer shall present any and all applicable municipal, county and state permits at such time as the temporary use site is inspected by the building inspector and fire chief of the Town, and at any time thereafter upon demand. **(Amended Subpart F, Deleting and Replacing in its Entirety, by Ordinance 2003-04, November 18, 2003)**

Any site for a fireworks seasonal retailer must be located so that all parts of all structures and

fireworks inventory on the site are no closer than two hundred (200) feet to any fuel source, including but not limited to any gasoline dispersing pump. The applicant must comply with all aspects of the fire code adopted by the Town and all State Fire Code regulations as shall pertain to the sale of fireworks. The

fireworks seasonal retailer also shall comply with regulations from the local Authority Having Jurisdiction ("AHJ"), which shall be the Town's Fire Chief or other person so appointed by the Fire Chief. The regulations are as follows: (a) For every two hundred (200) square feet of the retailer's structures and inventories, the retailer will have no less than one 5 pound or greater ABC dry chemical fire extinguisher on hand and approved by the AHJ; (b) At all places where fireworks are stored or sold, the retailer will post no less than six signs with the words "Fireworks - No Smoking," in letters not less than four inches (4") high, throughout the fireworks structure (including but not limited to a sign visible from each of the four sides of the structure and two at each entrance); (c) The retailer will not be permitted at any time, whether open for business or closed, to erect any impediment to any means of egress from inside the structure. This includes, but is not limited to, any fencing, wire, or plastic mesh around the outside perimeter of the fireworks structure or fireworks inventory structure; (d) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes or pipes within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited; and, (e) The retailer also will keep posted, at all times, any and all permits issued by the Town and the State of Tennessee.

Failure to comply with any and all regulations may result in immediate closure of the fireworks retailer by the building inspector or local AHJ. Additionally, violation of any provision herein shall constitute a misdemeanor punishable as other misdemeanors as provided by law, to include but not be limited to a fine of fifty dollars (\$50.00) per violation. Each day such violation continues shall be considered a separate offense. The Town of Pegram, Tennessee may refuse to issue future permits to a convicted violator for a period not to exceed five (5) years from the date of conviction. Nothing herein contained shall prevent the Town of Pegram, Tennessee from taking such other lawful actions to prevent or remedy any violation.

It shall be unlawful for any person to sell, offer for sale, ship or cause to be shipped into the Town of Pegram, Tennessee, except as herein provided, any item of fireworks, without first having secured the required applicable permits from both the Town of Pegram,

Tennessee and the State Fire Marshal (as required by Tennessee Code Annotated, Sec. 68-104-101, et seq.), possession of said permits being hereby made a condition prerequisite to selling or offering for sale, shipping or causing to be shipped any fireworks into the Town of Pegram, Tennessee, unless otherwise provided herein. The applicant for this seasonal, non-permanent, temporary use shall pay the non-refundable sum of one thousand dollars (\$1,000.00) to defray necessary inspections so as not to represent a hazard to the safety, health or welfare of the community. The aforesaid sum is reasonable and necessary to insure and protect the safety, health and welfare of the community.

2. Nothing in this Ordinance shall be construed as amending any other provision of Section 4.030, of the Municipal Zoning Ordinance, and all such other provisions, and amendments thereto, shall remain in full force and effect.

3. The aforesaid section, entitled "Sale of Fireworks" hereafter also shall be included by reference in the Municipal Code, under section 7-201, et seq., entitled, Sale of Fireworks to be governed by zoning ordinance, which shall supplant any and all previous Municipal Zoning Ordinances pertaining thereto.

**4.040 Customary Incidental Home Occupations.** A customary incidental home occupation is a gainful occupation or profession, including, but not limited to, the professional office of an accountant, architect, artist, author, contractor, designer, dentist, draftsman, engineer, financial consultant, insurance agent, lawyer, manufacturers representative, planner, songwriter, traveling salesman, barber, beauty and tailor shops and others as approved by the Board of Zoning Appeals from time to time. The principal(s) and any other person employed on the property in furtherance of the home occupation shall reside within the principal dwelling unit on the property; provided, however, that one nonresident of the property may be employed on the property in furtherance of the home occupation.

All incidental home occupations shall be subject to the following limitations:

- A. The business shall be conducted entirely within the principal dwelling unit or one accessory structure, or both.
- B. No more than 20% of the principal dwelling unit shall be used in connection with the home occupation.
- C. The dwelling unit and/or accessory structure shall not be used as a primary or incidental storage facility except to the extent of reasonable and necessary storage of normal business records and supplies directly associated with the permitted home occupation conducted on the property.
- D. There shall be no exterior evidence visible from any public street, other than a permitted sign (not more than four (4) square feet) indicating that the building(s) is/are being used for any purpose other than that of a dwelling or residential accessory structure.
- E. The business shall not generate noise, vibration, odor, fumes, dust, smoke, or Electromagnetic interference, nor create a nuisance of any kind which would adversely affect the residential character of the neighborhood in which it is located.
- F. Traffic is prohibited, except between the hours of 7:00 AM and 9:00 PM, in connection with the incidental home occupation.
- G. Parking related to the home occupation is prohibited except on the premises of the home occupation.
- H. No retail sales or services, other than goods grown, produced or assembled on the premises shall be conducted on the premises, except those incidental to and part of the primary function of the business.
- I. Storage of explosives or highly flammable or extremely hazardous materials as defined by the U.S. Environmental Protection Agency is prohibited on the premises.

- J. Any and all interior/exterior structural alterations/additions related in any way to the home occupation require the issuance of a building permit prior to beginning work.
- K. All setbacks, lot size restrictions, and size of accessory structures shall remain in accordance with and subject to the applicable zoning requirements.

All disputes related to the permissibility of the existence of a home occupation within a given Zoning District shall be determined and decided by the Board of Zoning Appeals. However, the following businesses and/or uses are expressly prohibited: tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, commercial stables, kennels, commercial repair or storage of automobiles, watercraft, or other motor vehicles, retail sales business, or any other activity deemed by the Board of Mayor and Aldermen or Board of Zoning Appeal to be incompatible with the district and/or a potential nuisance to the surrounding area.

Penalties. Any violation of any provision of this title is punishable by a fine of fifty dollars (\$50.00), per offense. Each day that a violation continues is a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of all residents of Pegram as a whole.

4.050. Fall-out shelter restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins

property not included in the proposal.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, SECTION 4.080, shall be met.

4.070 Planned development regulations. (Deleted in its Entirety by Ordinance 2005-32, March 30, 2006)

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4.080 Standards for Signs, Billboards, and Other Advertising Structures

4.080.1 Intent and Objectives 1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the

rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- b. assure proper exposure of signs to their intended viewers;
- c. protect the right of individuals to privacy and freedom from nuisances;
- d. protect the value of property and improvements thereon; permit signs that are constructed and maintained in a safe condition;

- e. assure that signs are constructed and maintained in a safe condition;
- f. encourage design that enhances the readability and effectiveness of signs;
- g. prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- h. reduce traffic hazards;
- i. eliminate obsolete signs;
- k. provide an efficient and effective means of administration and enforcement.

2. Scope

Except for signs that are prohibited in all districts in Subsection 4.080.4, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

4.080.2 Supplementary Definitions

The following definitions are to be used for interpreting the provisions of this Article only. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article II, of this ordinance.

Awning: Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

Billboard: See off-premise sign.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or Plexiglas.

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

Canopy Sign: A sign attached to a canopy.

Copy: The characters, letters, or illustrations displayed on a sign face.

Frontage, Building: The length of a building that faces a street, parking area, or private drive.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Nonconforming Sign: A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) Is used to announce, direct attention to, or advertise; and
- (c) Is visible from outside a building

Sign, abandoned: Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Sign, Accessory: Any sign that directs attention to a person, activity, or commodity on the same zone lot.

Sign, Advertising: A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

Sign, Animated: A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

Sign, Banner: A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

Sign, Building Mounted: Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

Sign, Changeable Copy: A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

Sign, Civic: A type of accessory sign that identifies or provides related information about community facility activity types.

Sign, Development: A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Sign, Direct Illumination: All illuminated signs not included in the definition of "Sign", Luminous Background" or "Sign", Indirect Illumination." Sign, Directional: Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, Directory: A sign which lists the names of individuals, businesses, or products available at a single site.

Sign, Expressive: Any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

Sign, Freestanding: Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

Sign, Handtacked: A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

Sign, Incidental: An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

Sign, Indirect Illumination: Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Sign, Large Residential: A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include

a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

Sign, Luminous Background: A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Sign, Monument: A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign.

Sign, Permanent: Any permitted sign which is not restricted as to the duration of time it can be displayed.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, Projecting: Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, Realty: A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine (9) square feet.

Sign, Structure: A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, Wall: A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that

is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

#### 4.080.3 Exempt Signs and Temporary Signs

1. Exempt Signs The following are exempt from the provisions of this article or from the requirement to obtain a sign permit.

- a. Address and Name of Resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. Artwork: Works of art that do not include any commercial messages or references.
- c. Construction Signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.
- e. Directional Signs: Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- f. Flags, Emblems, Insignia, and Banners: Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia,

and banners shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.

- g. Handicapped Parking Space Signs: Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- h. Home Occupation Signs: On-premise identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

  - i. Public Signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
  - k. Seasonal Signs: Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
  - l. Security and Warning Signs: On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
  - m. Temporary Political Signs: On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event.
  - n. Temporary Real Estate Signs: Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

2. Temporary Signs Requiring Approval

The following signs may be erected only after approval from the enforcing officer. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and charge the costs of removal to the individual or enterprise responsible.

- a. Special Event Signs: Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual,

or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.

- b. Temporary Farm Products Signs: Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.
  
- c. Construction Signs: Temporary signs announcing new buildings, or projects, erected after the commencement of construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (20) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
  
- d. Auction Signs: Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

#### 4.080.4 General Provisions

##### 1. General Standards

- a. No sign except for those specified in Subsection 4.080.3, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
  
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.



- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- e. No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- g. No sign shall obstruct any doorway, window, or fire escape.
- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- i. All pole and monument signs shall be limited to no more than eight (8) items of information.

## 2. Surface Area Display Standards

- a. The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.
- b. On signs in which the copy together with the back-ground are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- c. On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the

area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

- d. When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- e. In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- f. On a corner lot, a permitted sign may be located along each street frontage.

### 3. Height of Signs

The following general rules shall apply in the determination of the height of signs.

- a. The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
- b. The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

### 4. Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the

transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;

- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Animated signs;
- f. Banner signs, except as permitted in Subsection 4.080.3;
- g. Any sign with direct illumination provided by exposed bulbs or lamps;
- h. Off-premise signs, except as permitted in Subsection 4.080;
- i. Flashing signs;
- j. Handtacked signs, on utility poles, fence posts and trees;
- k. Portable signs, except as permitted in Subsection 4.080.3;
- l. Roof signs.

#### 4.080.5 Signs Permitted in Residential Districts

Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

##### 1. Community Facility Activities

- a. A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
- b. A monument sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- c. A wall sign shall not exceed fifty (50) square feet in size.

- d. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight (8) feet.

## 2. Development Signs

- a. A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- b. ~~Advertisement~~ sign shall not exceed three hundred (300) square feet in size nor fifteen (15) feet in height.
- c. A development sign shall not be lighted.
- d. Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

## 3. Large Residential Signs

- a. Subdivision identification signs may be permitted at the main entrances to a subdivision.
- b. Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.
- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- d. A subdivision identification sign shall not exceed twenty-five (25) square feet in size.
- e. The maximum height of such signs shall be four (4) feet when constructed as a ground sign.

Ground signs which are integrated into an  
attractive brick, stone, or wood architectural  
feature or an

earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.

- f. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- g. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

4.080.6 Permitted Signs in Commercial and Industrial Districts

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

1. Commercial District Signs

Within Commercial Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections d, e, and f, below. All other sign types are prohibited.
- b. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
  - (1) Such sign shall not exceed eighty (80) square feet in display surface area
  - (2) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
  - (3) Such sign shall clear the established grade by a minimum of ten (10) feet.
  - (4) Such sign shall be no closer than twenty-five (25) feet to any other projecting sign.
  - (5) The copy information shall be limited to the identification of the owner, address,

name and/or principal activity conducted on the premises.

c. Wall signs are permitted subject to the following standards:

- (1) Such sign shall not exceed fifty (50) square feet in display surface area.
- (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
- (3) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
- (4) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds ( $2/3$ ) of the distance between the top of the window below and the sill of the window above.
- (5) Such sign shall not cover or interrupt major architectural features of the building.
- (6) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.
- (7) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.

d. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs.

- (1) Such sign shall have a maximum display surface area of eighty (80) square feet.

The maximum display surface area for all signs on the same lot shall be one hundred fifty (150) square feet.

- (2) The maximum height of a pole sign shall be thirty (30) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- (3) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
- (4) Such sign shall be set back from the right-of-way a minimum of eight (8) feet.
- e. A commercial complex consisting of two (2) or more businesses, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions: **(Amended by Ordinance 2006-36, March 30, 2006)**
- (1) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be permitted. The maximum size of each such sign shall be one hundred (100) square feet. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- (2) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the

building upon which it is located and be

architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.

(3) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1), above.

(4) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six (6) feet.

f. Signs may be illuminated subject to the following standards:

(1) Exposed bulbs or luminous tubes are prohibited.

(2) No sign shall change color or intensity.

(3) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential.

(4) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

## 2. Industrial District Signs

Within Industrial Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted as follows:
  - (1) A use on a lot shall be permitted to have one (1) ground or pole sign per street frontage. The maximum display surface area shall be one hundred (100) square feet. The maximum display surface area for all signs on the same lot shall be one hundred sixty (160) square feet.
  - (2) The maximum height shall be twenty-five (25) feet for a pole sign and four (4) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - (3) Either type sign shall be set back from the right-of-way a minimum of eight (8) feet.
  - (4) The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
  - (5) In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained above, in Subsection 4.080.6, 1, c.

### 3. General Off-Site Advertising Signs

General off-site advertising signs may be permitted within any commercial or industrial district subject to the following standards:

- a. The maximum display area shall be three hundred (300) square feet.
- b. These signs shall be limited to a maximum height of thirty-five (35) feet with a minimum of ten (10) feet from the ground to the bottom of the sign face.

- c. An off-site advertising sign shall be setback a minimum of twelve (12) feet from any public right-of-way. This distance is measured from the leading edge of the sign.
- d. All off-site advertising shall be no closer than one thousand (1,000) feet from any other off-site sign, measured along the road right-of-way.
- e. All off-site signs shall be at least one hundred (100) feet from any residential district or two hundred-fifty (250) feet from any residential district along the same side of the road.
- f. All off-site signs must meet the minimum side or rear setbacks for the district which they are located.
- g. Off-site signs erected or placed on developed lots must maintain a spacing of one hundred (100) feet from any permanent freestanding sign.

#### 4.080.7 Temporary Sign Provisions

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

##### 1. General Requirements

- a. Prior to erecting, hanging, placing or otherwise displaying a temporary sign, an annual permit shall be obtained from the Town Hall. Said annual permit shall entitle its holder to erect, hang, place or otherwise display one (1) temporary sign on a parcel or lot, subject to the regulations set forth in this section along with all municipal codes, ordinances and amendments thereto, for a period of twelve (12) consecutive months, or until January 1<sup>st</sup> of the subsequent year, and shall be renewable in the first month of each year. The cost of the said annual permit shall be fifty dollars (\$50.00), due and payable upon making application for such permit or renewal thereof, in order to assist in the cost of administration of these regulations.  
**(Amended by Deleting and Replacing Text by Ordinance 2005-06, February 24, 2005)**
- b. Banners may be used as temporary signs.

- c. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- d. No temporary sign shall be displayed on a roof.
- e. No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the general public.
- f. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to three (3) items of information.

2. Display Surface Area, Height, and Illumination

- a. Maximum display surface area shall be thirty-five (35) square feet except for street banners which shall not be limited.
- b. Maximum height shall be ten (10) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet.
- c. Temporary signs shall not be illuminated except in commercial or industrial districts.
- d. No sign shall flash or pulsate in any way.
- e. Any sign that is lighted shall be done in compliance with the National Electrical Code.

3. Location of Temporary Signs

- a. All temporary signs shall setback a minimum of five (5) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhand or encroach on any street right-of-way at any time.
- b. The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.
- c. No temporary signs shall be closer than fifty (50) feet from any permanent sign.

4.080.8 Nonconforming and Noncomplying Sign Provisions  
**(Amended by Deleting and Replacing in its Entirety by Ordinance 2004-16, January 27, 2005)**

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district, or which fails to meet the standards on regulations, shall be classified as either nonconforming or noncomplying as per definitions.

1. Alterations to Nonconforming and Noncomplying Signs

A nonconforming or noncomplying sign may be altered to bring it within conformance/compliance, subject to the following conditions:

- a. The proposed alteration is not greater than fifty (50) percent of the total sign structure, or alteration costs are not greater than fifty (50) percent of its depreciated value; and,
- b. The total copy of an advertising sign may be changed in accordance with normal business practices; and,
- c. The proposed alteration conforms to the provisions of this ordinance; and,
- d. No new nonconformance or noncompliance is created.

2. Damage or Destruction of Nonconforming and Noncomplying Signs

When any nonconforming and/or noncomplying sign is damaged or destroyed, as a result of any cause, up to and including fifty percent (50%) of the sign structure or up to and including fifty percent (50%) of its depreciated value at the time of its damage or destruction, then the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.

Except that any advertising sign located within six hundred-sixty feet (660') of a Federal highway, as defined by the Federal Highway Beautification Act and oriented to that highway, shall not be removed

until compensation can be made to the extent required by law.

3. Violations and Penalties

Any violation of any provision of this ordinance shall result in a finding of guilt rendered by the City Court with a punishment to include but not be limited to a fine of not more than fifty dollars (\$50.00) per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegasus. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. If within seven (7) days of notice, the owner of such sign fails to contact the Enforcing Officer in order to bring said sign into conformance/compliance with this ordinance or to obtain a permit for said sign, the Enforcing Officer is herein empowered to have the sign removed and impounded without any further notice.

4. Impoundment of Signs

The Enforcing Officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fenceposts, telephone poles, utility poles or other natural features, or signs otherwise prohibited within this ordinance, and to impound them for a period of ten (10) days. The owner of an impounded sign may recover the same upon payment of fifty dollars (\$50.00) for each sign, prior to the expiration of the said ten (10) day impoundment period. At the end of said ten (10) day impoundment period, the Enforcing Officer is herein empowered to destroy the said sign, at his discretion in any manner he sees fit, without further notice to the owner.

The owner, tenant or occupant of any building, structure, premises, or any part thereof, and/or any contractor, builder, architect, engineer, agent or other person who commits, aids, participates in or maintains such violation may be found guilty of a

separate offense and suffer the penalties as provided herein.

5. Legal Status Provision - Exercise of Police Power

This entire Section shall be deemed and construed to be an exercise of the police power of the Town of Pegram, Tennessee, adopted under the authority of Tennessee Code Annotated, Sec. 6-2-201, for the preservation and protection of the public's health, safety, morals and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

4.090. Development standards for mobile home parks. The following land development standards shall apply for all mobile home parks:

A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

B. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

C. Dimensional Requirements for Parks:

1. Each mobile home park shall have a front yard setback of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.

4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

D. Dimensional Requirements for Mobile Home Space:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile

home parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) . No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.
7. No mobile home park shall be permitted unless such park is served by a public water supply and sewer system.

E. General Requirements:

1. Roads within the mobile home park shall be paved to a width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in the Pegram Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut an access road as described in Subsection E,1, of this section.
3. Each mobile home space shall be provided with a connection to city's sanitary sewer line, or be

served by another acceptable sanitary sewerage system.

4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tiedowns of mobile homes.

F. Plans and Schedules Required: the following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location, and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and the internal street circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. A comprehensive drainage plan.
10. Such other architectural, engineering, and topographical data as may be required to permit the local health department, the Pegram Building Inspector, the staff planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said

time shall be for a period of not more than one (1) year.

12. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of SECTION 6.020, of this ordinance.

G. Application for Mobile Home Park Building Permit: An application for a permit to develop and construct a mobile home park shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, will be submitted to the Pegram Building Inspector and Staff Planner.
2. the Building Inspector and Staff Planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.
3. The Pegram Building Inspector and Staff Planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.100. Development standards for automobile wrecking, junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or

street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

E. Off-Road Parking: As regulated in ARTICLE IV, SECTION 4.010.

F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

3. Other applicable requirements of Section 3.090 shall be met.

G. Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Pegram until he has secured a permit from the Pegram Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this resolution and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060.

4.110. Provisions Governing Floodway and Flood Fringe Districts

4.111 Statutory Authorization, Findings of Fact, Purpose and Objectives

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code, 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 Pegram, Tennessee and Board of Mayor and Aldermen, does ordain as follows:

B. Findings of Fact

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

2. Areas of Pegram are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, 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 cause in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;

4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

D. Objectives

The objectives of this Ordinance are:

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

4.112. DEFINITIONS

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

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

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

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

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

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

flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed

ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

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

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

"Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction"

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

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

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

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

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

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

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

"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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

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

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

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or

passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. ~~Certified~~ or ~~preliminary~~ determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a ~~Approved~~ program as determined by the Secretary of the Interior, or
  - b Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

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

"100-Year Flood" see "Base Flood".

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

"Recreational Vehicle" means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projections;
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 one hundred (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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (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 coastal or riverine areas.

#### 4.113. GENERAL PROVISIONS

##### A. Application

This Article shall apply to all areas within the incorporated area of Pegram, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Pegram, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470291, 215, 220, 280, and 285, plus the Flood Insurance Study and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Pegram, Tennessee Zoning Map.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

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 flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Pegram, 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 or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law.

Each day such violation continues shall be considered a separate offense. Nothing herein

contained shall prevent the Town of Pegram, Tennessee from taking such other lawful actions to prevent or remedy any violation.

4.114. ADMINISTRATION

A. Designation of Building Inspector

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

B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all buildings.\*
- b. Elevation in relation to mean-sea-level to which any non-residential building will be floodproofed, where base flood elevation data is available.\*

**\* (see 2, below)**

- c. Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in Section 4.114, B, 2, where base flood elevation data is available.\*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

\* (see 2, below)

## 2. Construction Stage

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

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the

floor elevation survey data submitted.  
Deficiencies detected by such review shall be  
corrected by the permit holder immediately and  
prior to further progressive work being  
permitted

to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Building Inspector

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

1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 4.114, B, 2.
5. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Section 4.114, B, 2.
6. When floodproofing is utilized, the Building Inspector shall obtain certification from a

registered professional engineer or architect,  
in accordance with Section 4.114, B, 2.

7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual

field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.116.

8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FHBM or FIRM meet the requirements of this Article.
9. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least four (4) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 4.112, of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in Subsection 4.114, B.
10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Inspector 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. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

4.115. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

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

Ordinance, shall meet the requirements of "new construction" as contained in this Article; and,

10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall meet the requirements of "new construction" as contained in this Article and provided said non-conformity is not extended.

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

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Section 4.113, B, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than four (4) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 4.115, B, 3.
2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than four (4) feet above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector as set forth in Section 4.114, B, 2.
3. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the

B. Specific Standards base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

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

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

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

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 4.115, B, of this Article.

4. Standards for Manufactured Homes and Recreational Vehicles

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

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

- i. The lowest floor of the manufactured home is elevated no lower than four (4) feet above the level of the base flood elevation on a permanent foundation;
  - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
  - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 4.115, B, 4, b, i, and ii, above.
- c. All recreational vehicles placed on sites must either:
- i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - ii. Be fully licensed and ready for highway use; or
  - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 4.115, B, 4, a, or b, i, and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Subsection

4.114, C, 8, shall be utilized for all requirements relative to the base flood elevation or floodways.

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

Located within the areas of special flood hazard established in Subsection 4.113, B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 4.115, B.

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

Located within the areas of special flood hazard established in Subsection 4.113, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is

specified, the lowest floor, including basement, shall be elevated, at least four (4) feet above the highest adjacent grade.

2. All new construction and substantial improvements of nonresidential buildings shall:
  - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least four (4) feet above the highest adjacent grade; or,
  - b. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Section 4.113, B, are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

1. All provisions of Subsection 4.114 and Subsection 4.115, A, and H, shall apply.

F. Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated

Located within the areas of special flood hazard established in Subsection 4.113, B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered

professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. If Subsection 4.115, F, 1, above is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 4.115, B.

G. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 4.114, B, 2.

H. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether

such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

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

A. Board of Zoning Appeals

1. The Pegram Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Article.
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 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base floodlevel will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

4.200. Minimum Design Standards for Transmission and Communication Towers and Stations. It is the intent of this Section to avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, and maintained, while ensuring such Towers are compatible with the surrounding land uses. The purpose of this Section is also to promote and encourage shared use/collocation of such towers and antenna support structures as a primary option, rather than the construction of single-use Towers.

Section 4.210 Standards for Telephone, Telegraph, and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment located within Pegram shall adhere to the following standards:

- A. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed

in accordance with Electronic Industries Association  
("EIA") standard 222E-1996 utilizing a wind rating  
of

ninety miles per hour (90 MPH) plus ice loading for Pegram, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

B. All towers shall be set back from all property lines and leasehold lines a distance that is equal to:

1. for a guyed tower, fifty percent (50%) of its maximum height, and
2. for a self supporting tower, one hundred percent (100%) of its maximum height.

C. Fencing. The entire site in either fee-simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.

D. Screening. Where the tower site abuts or is contiguous to any Residential District, there shall be provided a continuous, solid screening, and it shall be of such plant materials as will provide a reasonable year-round evergreen screening. Screening, as required herein, shall be not less than four (4) feet in height at the time of planting, and shall be permanently maintained by the leaseholder or owner of the subject property. (See definition of buffer strip).

4.220. Application Requirements. An application to develop a Transmission and Communications Tower shall include as minimum the following:

1. All plot plan information cited in Section 3.120, of this Ordinance, which is deemed applicable by the Planning Commission.
2. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
3. Documentation that any applicable leasehold is no less than 50 years in duration.

4. The names, addresses, and telephone numbers of all owners of other Communications/Transmission Towers or Support Structures within a one-half (1/2) mile radius of the proposed new tower site, including city-owned property.
5. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's Telecommunications Facilities on city-owned Towers or useable Antenna Support Structures located within a one-half (1/2) mile radius of the proposed Tower site.
6. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's Telecommunications Facilities on Towers of useable Antenna Support Structures owned by other persons located within a one-half (1/2) mile radius of the proposed Tower site.
7. Written technical evidence from an engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another person's Tower or useable Antenna Support Structures owned by other persons located within one-half (1/2) mile radius of the proposed tower site.