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Pegram, Tennessee

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## ARTICLE I: ENACTMENT

**1.1 Authority** An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated to provide for the establishment of districts within the corporate limits of the Town of Pegram, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

**1.2 Title** This ordinance shall be known as The Zoning Ordinance of Pegram, Tennessee dated May 29, 1986. The zoning map shall be referred to as the Official Zoning Map of Pegram, Tennessee and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

**1.3 Effective date** This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it. All other approved editions are hereby revoked.

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

- A. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. preventing the overcrowding of land;
- C. conserving the value of land and buildings;
- D. minimizing traffic hazards and congestion;
- E. preventing undue concentration of population;
- F. providing for adequate light, air, privacy, and sanitation;
- G. reducing hazards from fire, flood, and other dangers;
- H. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. encouraging the most appropriate uses of land; and
- J. enhancing the natural, man-made and historical amenities of Pegram, Tennessee.

**ARTICLE II: DEFINITIONS**

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

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

Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

**2.2 Definitions**

<u>ACCESS</u>	The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
<u>ACCESSORY BUILDING</u>	A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.
<u>ACCESSORY USE</u>	A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.
<u>ACTIVITY</u>	The performance of a function or operation which constitutes the use of land.
<u>ADVERTISING</u>	Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

<u>ADVERTISING SIGN OR STRUCTURE</u>	See Sign.
<u>AGRICULTURAL USE</u>	<p>This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Pegram, Tennessee are complied with.</p> <p>The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising or furbearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables, or dog kennels be so considered.</p>
<u>AGRICULTURAL ACCESSORY USE</u>	Those structures or equipment which is normally required in the operation of agricultural uses.
<u>ALLEY</u>	A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.
<u>ALTERATION</u>	As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.
<u>AREA, BUILDING</u>	The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.
<u>ATTACHED</u>	An enclosure having continuing walls, roof, or floor
<u>AUTOMOBILE WRECKING</u>	The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.
<u>AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS</u>	Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

<u>AVERAGE GROUND ELEVATION</u>	The elevation of the mean finished grade at the front of a structure.
<u>BASEMENT</u>	A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevations or when subdivided and used for commercial activities.
<u>BOARD</u>	The Pegram, Tennessee Board of Zoning Appeals.
<u>BUFFER STRIP</u>	A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.
<u>BUILDING</u>	Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or movable.
<u>BUILDING INSPECTOR</u>	The Building Inspector for the Town of Pegram, Tennessee.
<u>BUILDING AREA OF A LOT</u>	That portion of a lot bounded by the required rear yard, side yards, and the building setback line.
<u>BUILDING, MAIN OR PRINCIPAL</u>	A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
<u>BUILDING SETBACK LINE</u>	A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.
<u>BUILDING SETBACK LINE, FRONT</u>	A line delineating the minimum allowable distance between the street right-of way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

<u>BUILDING SETBACK LINE, REAR</u>	A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.
<u>BULK</u>	Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.
<u>BUSINESS AND COMMUNICATION SERVICES</u>	The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets and small reports.
<u>CAMPING GROUND</u>	A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
<u>CLINIC</u>	See Medical Facility.
<u>CONDITIONAL USE</u>	A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, only when specific provisions for such use is made in this Ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated.
<u>CONVENIENCE SALES</u>	The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.
<u>CONVENIENCE SERVICES</u>	Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel cleaning and repair services.
<u>COVERAGE</u>	The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.



<u>COUNTRY CLUB</u>	A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, lounge.
<u>DAY CARE CENTER</u>	A facility other than an occupied residence which receives children for day care or any place, including nursery schools which provide definite, specified educational programs, which receives more than 12 children for related day care services.
<u>DEVELOPMENT</u>	Any man-made change to improve or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.
<u>DISTRICT</u>	Any section or sections of the area lying within Pegram, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.
<u>DWELLING</u>	<p>A building or part thereof used as a habitation under one of the following categories:</p> <ol style="list-style-type: none"> <li>a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single family.</li> <li>b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.</li> <li>c. Apartment dwellings means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters. This includes triplexes and quadplexes.</li> <li>d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner provided cooking and dining facilities.</li> <li>e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.</li> </ol>

	<ul style="list-style-type: none"> <li>f. Town house means a residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.</li> <li>g. Condominium means an apartment building or town house containing three or more dwelling units being under or intended for separate ownership for each family living accommodation.</li> <li>h. Multi-family means a town house or apartment dwelling.</li> <li>i. Triplex dwelling means three units designed for use by three families located on the same tract (zone lot) in one ownership.</li> <li>j. Quadplex dwelling means four units designed for use by four families located on the same tract (zone lot) in one ownership.</li> <li>k. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of 600 square feet and have no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.</li> <li>l. Mobile home or trailer means a vehicular, portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.</li> <li>m. Zero lot line dwelling means a building or structure containing two units (duplex), each unit being located on its own zone lot in separate ownership.</li> </ul>
<p><u>FALL-OUT SHELTER</u></p>	<p>A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.</p>

<u>FAMILY</u>	One or more persons related by blood, marriage, or adoption,, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family. The term family as used herein shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as housekeepers or guardian residing within the house (See Chapter 24 of Title 13, TCA).
<u>FAMILY DAY CARE HOME</u>	An occupied residence in which a person provides day care for five (5) or more children or close relatives. Such care in a family day care home is limited to that care given to no more than twelve (12) children, including children living in the home and children of close relatives cared for in the home.
<u>FINANCIAL, CONSULTING AND ADMINISTRATIVE</u>	Includes the provisions of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this regulation.
<u>FLOOR AREA</u>	The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits of faces of a building or structure.
<u>FRONTAGE</u>	All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.
<u>GASOLINE SERVICE STATION</u>	Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

<u>GRADE, FINISHED</u>	<u>GRADE, FINISHED</u> : The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
<u>HEALTH DEPARTMENT</u>	The Cheatham County Health Department.
<u>HEIGHT OF BUILDING OR STRUCTURES</u>	The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.
<u>HOME OCCUPATION CUSTOMARY INCIDENTAL</u>	A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty and tailor shops) customary by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit.
<u>HOSPITAL</u>	See Medical Facilities.
<u>JUNK YARD OR SALVAGE YARD</u>	A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.
<u>LANDSCAPING</u>	The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.
<u>LAND WITH INCIDENTAL IMPROVEMENTS</u>	A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.
<u>LIGHT INDUSTRY</u>	Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of industrial wastes, psychological effects and generation of motor vehicle traffic.

<u>LOADING SPACE</u>	An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.
<u>LOT</u>	A piece, plot, or parcel of land in one ownership, which may include one or more lots or record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance.
<u>LOT, AREA</u>	The total surface land area included within lot lines.
<u>LOT, CORNER</u>	A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.
<u>LOT COVERAGE</u>	That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.
<u>LOT, DEPTH</u>	The average distance from the street right-of-way line of the lot to its rear line, measured in the general direction of the side lines of the lot.
<u>LOT, FRONTAGE</u>	That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
<u>LOT, INTERIOR</u>	A lot other than a corner lot.
<u>LOT, LINES</u>	A boundary of a lot
<u>LOT OF RECORD</u>	A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.
<u>LOT, WIDTH</u>	The width of a lot at the building setback line measured at right angles to its depth.
<u>MARINA</u>	A facility for the docking and servicing of boats.

<u>MEDICAL FACILITIES</u>	<p>Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.</p> <p>Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.</p> <p>Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as services and staff offices which are an integral part of the facility.</p> <p>Public Health Center: A facility utilized by a health unit for the provision of public health services.</p>
<u>MOBILE HOME</u>	<p>Any structure which is designed or ever has been designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used and capable of being used as a detached single-family residence; and which is intended to be occupied as permanent living quarters containing one or more of the following facilities: sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, plumbing or electrical connections for attachment to outside systems. This definition of "mobile homes" includes all additions which are purchased and added thereto or additions made subsequent to installation. This definition does not include modular housing placed on a standard foundation or travel trailer.</p>
<u>MOBILE HOME PARK</u>	<p>Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the facilities or equipment thereof.</p>
<u>NONCOMPLYING</u>	<p>(a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.</p> <p>(b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or</p> <p>(c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:</p> <ol style="list-style-type: none"> <li>1. Location along district boundary;</li> <li>2. Accessory off-street parking and loading; either on the effective date of this Ordinance or as a result of any subsequent amendment.</li> </ol>

<u>NONCONFORMING USE</u>	A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.
<u>NOXIOUS MATTER</u>	Material or substance in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well being of individuals.
<u>OPEN SPACE</u>	An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.
<u>OVERALL DENSITY</u>	The residential density, stated in dwelling units per acre of any total lot, or development area.
<u>OWNER</u>	Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.
<u>PARKING LOT</u>	An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.
<u>PARKING SPACE</u>	An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.
<u>PARTY WALL</u>	A wall on an interior lot line, used or adopted for joint service between two buildings; such walls shall extend from the foundation to the underside of the roof sheathing, without openings which would permit the spread of fire from one building to another, and shall fully comply with fire and all other provisions and standards established for such walls in the Southern Standard Building Code.
<u>PERSON</u>	An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

<u>PLANNED DEVELOPMENT</u>	A single planned area of land which (1) has both individual building sites, and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments consist of relatively large interrelated developments located on a single tract of land. Cluster developments and mixed use developments of all types are planned unit developments.
<u>PLANNING COMMISSION</u>	The Pegram Municipal Planning Commission
<u>PLAT</u>	A map, plan, or layout indicating the location and boundaries of individual properties.
<u>PRINCIPAL USE</u>	The specific primary purpose for which land or a building is used.
<u>PRIVATE WASTEWATER TREATMENT</u>	Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for collection and treatment and/or disposal of wastewater, as approved by the appropriate county health office.
<u>PROFESSIONAL OFFICE</u>	The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.
<u>PUBLIC USES</u>	Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.
<u>PUBLIC WASTEWATER SYSTEM</u>	A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Public Services Commission.
<u>PUBLIC WATER</u>	A municipal, community or utility district water treatment and distribution system of a type approved by the State of Tennessee of Public Health and Environment and the Public Services Commission.
<u>REQUIRED YARD</u>	That portion of a zone lot that is require by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.



<u>RIGHT-OF-WAY</u>	The minimum right-of-way of all local streets shall be fifty (50) feet which measures twenty-five (25) feet from the street center line. On each side of all collector streets, the right-of-way shall be thirty (30) feet from the center line. On arterial streets the right-of-way shall be forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Pegram, Tennessee.
<u>ROADWAY</u>	The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.
<u>SANITARY LANDFILL</u>	An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.
<u>SHOPPING CENTER</u>	A group of compatible commercial establishments planned, developed, and managed, as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shop to its trade area.
<u>SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE</u>	<p>Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" and "poster board" as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.</p> <p><u>Advertising Sign:</u> A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.</p> <p><u>Billboard:</u> A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.</p> <p><u>Business Sign:</u> A sign which directs attention to the business or profession conducted on the premises.</p>

	<p><u>Flashing Sign:</u> Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.</p> <p><u>Ground Sign:</u> A sign supported by a pole, uprights, or braces on the ground.</p> <p><u>Illuminated Sign:</u> A sign designed to give forth any artificial light or reflect such light from an artificial source.</p> <p><u>Indirect Illumination Sign:</u> Any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.</p> <p><u>Marquee Sign:</u> A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.</p> <p><u>Off-Premises Sign:</u> A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.</p> <p><u>On-Premises Sign:</u> A sign relating to a product, service, or establishment that on the premises on which the sign is located.</p> <p><u>Pole Sign or Banjo Sign:</u> A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.</p> <p><u>Roof Sign:</u> A detached sign supported upon the roof or wall of a building.</p> <p><u>Temporary Sign:</u> Temporary signs shall include any sign, banner, pennant, valence, or advertising display constructed of wood, metal, cloth, canvas, light fabric cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.</p> <p><u>Wall or Flat Sign:</u> Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.</p>
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<u>SPECIAL EXCEPTION</u>	A use which specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions set forth herein.
<u>STORY</u>	That portion of a building included between the upper surface of any flood and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured of if it is used for commercial purposes.
<u>STREET</u>	A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.
<u>STRUCTURE</u>	Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.
<u>TOXIC MATERIALS</u>	Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.
<u>TRAVEL TRAILER</u>	A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.
<u>USE</u>	The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.
<u>YARD</u>	An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

<u>YARD FRONT</u>	The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.
<u>YARD, REAR</u>	The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.
<u>YARD, SIDE</u>	The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.
<u>ZONE LOT</u>	For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.
<u>ZONING MAP</u>	A map, or series of maps and special overlays (the official copy being maintained by the Building Inspector) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.
<u>ZONING PERMIT</u>	A written permit issued by the Building Inspector, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot.

## ARTICLE III: GENERAL PROVISIONS

**3.1 Scope** For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the Town as a whole.

**3.2 Zoning Affects Every Building and Use** No building or land shall hereafter be used on no building or part thereof shall be erected, moved, or altered unless for a use expressly by and in conformity with the regulation herein specified for the district in which it is located, excepted as hereinafter provided.

**3.3 Site plan and Design Review** Within any zoning district, no building permit for the construction of any building or the repair or alteration of the exterior of any building required by these regulations shall be issued until a site plan has been reviewed and approved by the planning commission. Site plans shall be valid for eighteen (18) months. If construction has not begun within that time the approved site plan shall become invalid.

At a minimum, all site plans shall include the following information:

- \_\_\_ Site plans shall be drawn at a scale to allow adequate review;
- \_\_\_ All existing and proposed right(s)-of-way, streets, curb cuts, drives and parking areas;
- \_\_\_ existing and proposed contours at a vertical interval not greater than 5 feet based on sea level;
- \_\_\_ the location of all water courses on or adjoining the tract;
- \_\_\_ flooding note, floodplain information from (FEMA) maps and studies;
- \_\_\_ stormwater drainage plan when required by city engineer or codes department;
- \_\_\_ proposed drainage retention or detention areas with engineered stamped calculations and the drainage calculations for all drainage structures;
- \_\_\_ landscaping and planting screen when applicable;
- \_\_\_ property lines enclosing the site, building setbacks;
- \_\_\_ type of activity proposed and number of employees;
- \_\_\_ location, size, height and arrangement of proposed and existing buildings;
- \_\_\_ the existing zoning on the site and on adjoining properties;
- \_\_\_ location, dimensions and explanation of all easements;
- \_\_\_ location and size of all utilities, any change in size requires appropriate department approval.

- \_\_\_ acreage and/or size of lot, names of adjoining property owners or subdivisions;
- \_\_\_ location and dimensions of all signs;
- \_\_\_ locations, typical radius and intensity of proposed lighting;
- \_\_\_ a vicinity map; north arrow; scale; tax map, group and parcel as recorded.

Changes to an approved site plan require approval of the appropriate department. Changes substantially affecting the original site plan, according to the appropriate department, require resubmittal to the planning commission with exception of the following changes that require automatic resubmittal to the planning commission, if:

- \_\_\_ the density of the development is to be increased;
- \_\_\_ the floor area ratio or number of stories is increased or changed;
- \_\_\_ there is any change in plans for historical structures or sites.

For any lot where public sewer is not available the following shall be shown:

- \_\_\_ statement or illustration from the Health Department showing the area to be used for sewage disposal and;
- \_\_\_ approval from the Health Department.

**3.4 Number of Structures and Uses Associated with a Lot** Only one (1) principal building and its customary accessory buildings may be erected on any residential lot or tract of land, except as group housing developments or mobile home parks.

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

**3.6 Corner lot** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

**3.7 Reduction in lot area prohibited** No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by

this ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose or in projects approved under cluster residential development provisions.

**3.8 Solar Orientation** Solar orientation devices shall be subject to the setbacks affecting dwellings, buildings, and other major improvements. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no solar device between the front yard setback line and the principal structure.

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

**3.10 Exceptions to Setback Requirements** The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

## ARTICLE IV: PARKING AND TRAFFIC MANAGEMENT

**4.1 Structure must have access** No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) ft., or at least fifty (50) ft. on a cul-de-sac, or unless it abuts for fifty (50) ft. on a street shown on a final subdivision plat as approved by the Town of Pegram Planning Commission. This section shall not apply to properties whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least 50 feet in width from and after the time of adoption of this ordinance and shall not be used to provide access to more than one lot or tract of land. Provided further that absolutely no subdivision shall hereinafter be allowed on a private easement. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets provided such development is in the form of condominium ownership of such private improvements which has been approved by the planning commission and will be in private ownership and control in perpetuity.

**4.2 Obstruction to vision at street intersections and railroad intersections prohibited** On a corner lot in any district within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

**4.3 Future street lines** For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Pegram, Tennessee Major Thoroughfare Plan.

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential, retail and commercial services land uses. All points of access shall be so constructed as to provide for proper drainage of property and public street. A minimum of a fifteen (15) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.



- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) ft. or lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of a public intersection. On collectors or arterials this minimum shall be forty (40) feet.
- D. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

**4.5 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.

**4.6 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.

**4.7 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 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 at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

**4.8 Remote parking space** If the off-street parking space required by space, meeting the requirements of this ordinance, has been made for the principal use.

**4.9 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 spaces in this area have their only access to or from 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.

**4.10 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 withholding 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.

**4.11 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:

<b>Total Usable Floor Area for Principal Building</b>	<b>Spaces Required (See ARTICLE II, for Definition)</b>
0 to 4,999 sq.	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.

**ARTICLE V: ZONING DISTRICTS**

**5.1 Classification of districts** For the purpose of this ordinance, the following zoning districts are hereby established in the Town of Pegram, Tennessee:

<b>RESIDENTIAL</b>	
Low Density Residential	R-1
Medium Density Residential	R-2, R-3
High Density Residential	R-4
<b>COMMERCIAL</b>	
Highway Service	C-1
Neighborhood Service Business	C-2
<b>INDUSTRIAL</b>	
Light Industrial	I-1
Heavy Industrial	I-2

**5.2 Zoning Map** The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning Map of Pegram, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the adopted Official Zoning Map and amendments thereto shall be maintained in the office of the Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

**5.3 Zoning district boundaries** Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad, and the center of streams when applicable. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Pegram Planning Commission.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

**5.4 Zoning of annexed territory** All territory which may hereafter be annexed to the Town of Pegram shall be zoned "Low-Density Residential, R-1." Such annexed territory shall retain

such zoning classification until such time as the necessary studies are made by the Planning Commission and the Official Zoning Map is amended in the manner provided in Section 8.12: Amendments to the Zoning Ordinance. However, an application for rezoning to any other zoning district may be considered concurrently with the action for annexation.

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

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory uses in residential lot shall be limited in size to no more than one-half the size of its principal use on any lot.

**5.6 Customary incidental home occupations** A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

**5.7 Uses not Specifically listed**

- A. Any use not specifically set forth in this Article is expressly prohibited, unless the Planning Commission determines that its use is similar to a permitted use as set forth in the Article. Where such similar permitted use is subject to any limited use standard or conditional use review, the proposed use shall also be subject to such regulation or approval. The Planning Commission shall not amend these regulations by adding or eliminating any use regulation for the proposed use.
- B. Determination of the appropriate group for a proposed principal use not currently listed shall be made by the Planning Commission by applying the following criteria.

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each group of uses.
2. The relative amount of site area or floor space and equipment devoted to the activity.
  - a. Relative amounts of sales from each activity.
  - b. The customer type for each activity.
  - c. The relative number of employees in each activity.
  - d. Hours of operation.
  - e. Building and site arrangement.
  - f. Types of vehicles used and their parking requirements.
  - g. The relative number of vehicle trips generated.
  - h. Signs
  - i. How the use is advertised
  - j. The likely impact on surrounding properties
  - k. Whether the activity is likely to be found independent of the other activities on the site.
3. Where a use is not expressly listed as permitted in one district, and that use is specifically listed as permitted in another district in this Article, such use shall be prohibited in the district under consideration and the Planning Commission shall have no authority to consider it to be a similar use. Where a use not listed in this Article is found by the Planning Commission not to be similar to any other use in a district use table, the use shall be permitted only following a zoning ordinance amendment, and such a decision shall not be appealed to the Board of Appeals.

**5.8 Buffer strips** Where a use is established in areas zoned nonresidential (C-1, C-2, I-1 and I-2) which abuts at any point upon property zoned residential (R-1, R-2, and R 3), or whenever a planned unit development is established in any zoning district the developer of said use shall provide a buffer strip as defined herein at the point of abutment. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a four (4) foot metal, mesh fence or wall designed to confine any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Appeals.

**Specific district regulations** The following regulations shall apply in the eight (8) zoning districts established in this ordinance.

**5.9 Residential Districts** The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The general goals include, among others, the following specific purposes:

- A. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the Town's present and expected future population, with due allowance for the need for a choice of sites and building types;
- B. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
- C. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
- D. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic building forms, by providing freedom of architectural and site design;
- E. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
- F. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
- G. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Town's tax revenue.

**5.9.1 Absolute Minimum Lot Size** In no case shall the Building Inspector, Planning Commission, or Board of Zoning Appeals permit any zone lot in a residential district to be used as a building sit which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) ft.



### 5.9.2 R-1, Low-Density Residential District

- A. District Description: This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.
- B. Uses Permitted: In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:
1. Single detached dwelling
  2. Prefabricated dwelling (excluding mobile homes)
  3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line
  4. Customary incidental home occupation as regulated in Section 5.6: Customary Home Occupations.
  5. Agriculture
- C. Uses Permitted as Special Exceptions: (Deleted 6, and Renumbered by Ordinance 2005-32, March 30, 2006) In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 9.3: Procedure for authorizing special exceptions.
1. Churches.
  2. Public and private schools offering general education courses.
  3. Family day care homes.
  4. Public and semi-public recreational facilities and grounds.

- 5. Utility facilities (without storage yards) necessary for the provision of public services.
- 6. Government buildings and community centers.
- 7. Cemeteries.
- D. Uses Prohibited: Mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.
- E. Development Standards:  
All uses permitted in the R-1, Low Density Residential District shall comply with the following requirements.

<b>Minimum Lot Size: R1 Low Density Residential</b>		
	With Public Sewer	Without Public Sewer
Area	20,000 sq. ft.	40,000 sq. ft.
Area per family	20,000 sq. ft.	40,000 sq. ft.
Lot Width at Building Setback Line	100 ft.	150 ft.
Lot Width at Street	100 ft.	100 ft.

<b>Minimum Yard Requirements: R1 Low Density Residential</b>	
Front Setback	40 ft.
Side Setback	15 ft.
Rear Setback	25 ft.

- F. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty five (35) percent of the total area of such lot or parcel.
- G. Height Requirement: No building shall exceed thirty five (35) feet in height except provided in Section 3.9 Exceptions to Height Limitations
- H. Parking space requirements: As regulated in Section 4.5: Off-Street Parking Requirements

**5.9.3 R-2, Medium-Density Residential District.**

- A. District Description: This district is designed to provide suitable areas for medium density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally this district will be characterized by single and two family (duplex) detached dwellings and individual mobile homes except when otherwise permitted as a planned development and such other structures as

are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the district, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

- B. Uses Permitted: In the R-2, Medium-Density Residential District, the following uses and their accessory uses are permitted:
1. Single detached dwelling
  2. Individual Mobile home
  3. Prefabricated dwelling
  4. Duplex Dwelling
  5. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
  6. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040.
  7. Agriculture.
- C. Uses Permitted as Special Exceptions: **(Deleted 7, and Renumbered by Ordinance 2005-32, March 30, 2006)** In the R-2, Medium-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 9.3: Procedure for authorizing special exceptions.
1. Churches.
  2. Public and private schools offering general education courses.
  3. Family day care homes.
  4. Day Care Centers
  5. Public and semi-public recreational facilities and grounds.
  6. Utility facilities (without storage yards) necessary for the provision of public services

7. Government buildings and community centers.
  8. Cemeteries
  9. Zero Lot Line dwellings (duplexes), subject to requirements of Section 5.13.6:  
Zero Lot Line Duplex Requirements
- D. Uses Prohibited: Mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.
- E. Development Standards: All uses permitted in the R-2, Medium Density Residential District shall comply with the following requirements except as provided in Section 9.3: Procedure for authorizing special exceptions

<b>Minimum Lot Size: R2- Medium Density</b>		
	With Public Sewer	Without Public Sewer
Area-Single Detached Dwelling	10,000 sq. ft.	20,000 sq. ft.
Area- Individual Mobile Home	10,000 sq. ft.	20,000 sq. ft.
Area- Duplex	15,000 sq. ft.	30,000 sq. ft.
Area per family-Single detached dwelling	10,000 sq. ft.	20,000 sq. ft.
Area per family- Individual Mobile Home	10,000 sq. ft.	20,000 sq. ft.
Area per family-Duplex	7,500 sq. ft.	15,000 sq. ft.
Lot Width at Building Setback Line	100 ft.	125 ft.
Lot Width at Street	75ft	75ft

<b>Minimum Yard Requirements: R2- Medium Density</b>	
Front Setback	35ft
Side Setback	15ft
Rear Setback	20ft

- F. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty five (35) percent of the total area of such lot or parcel.
- G. Height Requirement: No building shall exceed thirty five (35) feet in height except provided in Section 3.9 Exceptions to Height Limitations.
- H. Parking space requirements: As regulated in Section 4.5: Off-Street Parking Requirements

**5.9.4 R3, Medium Density Residential District.**

- A. District Description: These districts shall have all the characteristics and restrictions as provided for in R-2 Medium-Density Residential Districts, but with the following exceptions:
1. Mobile homes shall be prohibited.
  2. Duplex dwellings and zero lot line dwellings shall be prohibited.

**5.9.5 R4, High Density Residential District.**

- A. District Description: This district is designed to provide suitable areas for high density residential development where sufficient urban facilities, including public sewer, are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single and two-family (duplex) detached dwellings, mobile homes, and mobile home parks. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installation which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.
- B. Uses Permitted: In the R-4 High Density Residential District, the following uses and their accessory uses are permitted:
1. Single detached dwelling
  2. Individual Mobile Home
  3. Prefabricated dwelling
  4. Duplex dwelling
  5. Multi-Family dwelling
  6. Board and Rooming house

7. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
  8. Customary incidental home occupations as regulated in Section 5.6: Customary Incidental Home Occupations.
- C. Uses Permitted as Special Exceptions: (Deleted 7, and Renumbered by Ordinance 2005-32, March 30, 2006) In the R-4, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 9.3: Procedure for authorizing special exceptions.
1. Churches.
  2. Public and private schools offering general education courses.
  3. Family day care homes.
  4. Day Care Centers
  5. Public and semi-public recreational facilities and grounds.
  6. Utility facilities (without storage yards) necessary for the provision of public services
  7. Government buildings and community centers.
  8. Cemeteries
  9. Mobile Home Parks as governed by development standards for mobile home parks
  10. Zero Lot Line dwellings (duplexes), subject to requirements of Section 5.13.6: Zero Lot Line Duplex Requirements
- D. Uses Prohibited: Uses not specifically permitted or uses not permitted upon approval as a special exception.

- E. Development Standards: All uses permitted in the R-3, High Density Residential District shall comply with the following requirements except as provided in Article VI: Exceptions and Modifications. (make sure this reference does not change)

<b>Minimum Lot Size: R4 High Density Residential</b>	
Area-Single Detached Dwelling	7,500 sq. ft.
Area- Individual Mobile Home	7,500 sq. ft.
Area- Duplex	7,500 sq. ft.
Area-Multi Family Dwelling	15,000 sq. ft.
Area per family-Single detached dwelling	7,500 sq. ft.
Area per family- Individual Mobile Home	7,500 sq. ft.
Area per family-Duplex	3,750 sq. ft.
Area per family-Multi Family Dwelling	3,000 sq. ft.
Lot Width at Building Setback Line	75 ft.
Lot Width at Street	75ft

<b>Minimum Yard Requirements: R4 High Density Residential</b>	
Front Setback	25ft
Side Setback-Single Detached Dwelling	15ft
Side Setback-Individual Mobile Home	15ft
Side Setback-Duplex	15ft
Side Setback-Multi Family Dwelling	15ft
Rear Setback	20ft

1. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.
2. Height Requirement: No building shall exceed thirty five (35) feet in height except provided in Section 3.9 Exceptions to Height Limitations.
3. Parking space requirements: As regulated in Section 4.5 Off-Street Parking Requirements.

**5.10 Commercial Districts.** The Commercial Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The general goals include, among others, the following:

- A. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and services trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
- B. To protect both the retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against

offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

- C. To protect retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
- D. To provide sufficient space in appropriate locations for commercial districts to satisfy function needs of Pegram, and in particular the need for medical services, and the needs of the general public traveling along major highways.
- E. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- G. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote the stability of commercial development, to strengthen the economic base of Pegram, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Pegram's tax revenues.

**5.10.1 C-1, Highway Service District.**

- A. District Description: This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to minimize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries.
- B. Uses Permitted: In the C-1, Highway Service District, the following uses and their accessory uses are permitted:
  - 1. Retail Trade:
    - a. Building materials, hardware, and farm equipment;



- b. General merchandise;
  - c. Food;
  - d. Automotive, marine craft, aircraft and accessories;
  - e. Apparel and accessories;
  - f. Furniture, home, furnishings, and equipment;
  - g. Eating and drinking;
  - h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.
2. Hotels, motels, and tourist courts.
  3. Churches and mortuaries.
  4. Professional services.
  5. Gasoline service stations subject to the provisions of additional development standards Section 5.13.2: Gasoline Service Stations.
  6. Commercial recreation uses
  7. Signs and billboards
  8. Finance, insurance and real estate services.
  9. Personal services.
  10. Business services
  11. Repair services.
  12. Governmental services.
  13. Educational services.
  14. Transportation communication and utility services.
  15. Medical offices, clinics, etc.
  16. Nursing homes.
  17. Florist shops.
  18. Medical and dental laboratories.
  19. Offices providing advice, design, or consultation of a professional nature, i.e., lawyers, accountants, engineers, architects, etc.
  20. Credit bureau offices.
  21. Banks and savings and loan associations.
  22. Real estate, insurance, and other related business offices.

- 23. Animal health facilities including veterinary clinics.
- 24. Day care centers.
- C. Uses Permitted as Special Exceptions: (Deleted 2, and Renumbered by Ordinance 2005-32, March 30, 2006) In the C-1, Highway Service District, the following uses and their accessory uses may be permitted after review and approval in accordance with Section 9.3: Procedure for Authorizing Special Exceptions.
  - 1. Travel trailer parks and overnight campgrounds.
  - 2. Mini-warehouse.
- D. Uses Prohibited: Industrial uses; warehousing and storage uses, except those which are located within and incidental to permitted uses and except a commercially operated mini-storage warehouse; truck terminals; junkyards, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.
- E. Development Standards: All uses permitted in the C1, Highway Service District shall comply with the following requirements except as provided in Article VI: Exceptions and Modifications. (make sure this reference does not change)
- F. Minimum Lot Size: No minimum lot size shall be required in the C-1 District.

<b>Minimum Yard Requirements: C1 Highway Service District</b>	
Front Setback	45 ft
Side Setback	15 ft
Rear Setback	20 ft

- G. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-1 District.
- H. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in 3.9 Exceptions to Height Limitations.
- I. Parking space requirements: As regulated in Section 4.5 Off-Street Parking Requirements.

**5.10.2 C-2 Neighborhood Service Business District.**

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely

for convenient accessibility by residential area occupants. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

**B. Uses Permitted:**

In the C-2, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
2. Personal service establishment which performs service on the premises such as repair shops (radio, television, shoe and etc.), beauty parlors or barbershops and self-service laundries.
3. Signs regulated in ARTICLE VII: Sign Provisions

**C. Uses Permitted as Special Exceptions:**

No uses shall be permitted as special exceptions in use C-2 District.

**D. Use Prohibited:**

In the C-2, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor.

**E. Dimensional Regulations**

All uses permitted in the C-2, Neighborhood Service Business District shall comply with the following requirements.

<b>Minimum Yard Requirements: C-2, Neighborhood Service Business District</b>	
Front Setback	35ft
Side Setback	20ft
Rear Setback	20ft

1. Minimum Lot Size: The minimum lot size in the C-2 District shall be 10,000 square ft.
2. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.
3. Height Requirement: No building shall exceed thirty five (35) feet in height except provided in Section 3.9 Exceptions to Height Limitations.

4. Parking space requirements: As regulated in Article IV, Section 4.010 check reference Lot Width at Street 75 ft.

**5.11 Industrial Districts** . The Industrial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations to meet the needs of the area of Pegram's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
- B. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
- C. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- D. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
- E. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
- F. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Pegram area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Pegram's tax revenues.

### **5.11.1 I-1, Light Industrial District.**

#### **A. District Description:**

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

#### **B. Uses Permitted:**

In the I-1, Light Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.
5. Printing, publishing and allied industries.
6. Stone, clay, and glass products manufacturing.
7. Fabricated metal products manufacturing except ordinance and accessories.
8. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
9. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.
10. All types of wholesale trade.
11. Office functions only where it is directly related to the industrial establishment in which it is located.
12. Signs and billboards as regulated in ARTICLE: VII.
13. Warehouse, storage and truck terminal facilities.
14. Agricultural equipment sales and repair.

15. All public utilities including buildings, necessary structures, storage yards and other related uses.

16. Animal health facilities including veterinary clinics.

17. Building materials storage and sales.

18. Airports.

C. Uses Permitted as Special Exceptions (Deleted 2, by Ordinance 2005-32, March 30, 2006)

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance Section 9.3: Procedure for Authorizing Special Exceptions.

1. Retail and convenience.

D. Uses Prohibited: Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Development Standards:

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

1. Minimum Lot Size: No minimum lot size is required in the I-1 Light Industrial District.

2. Minimum Yard Requirements:

<b>Minimum Yard Requirements I1, Light Industrial District</b>	
Front Setback	50 ft
Side Setback	20 ft
Rear Setback	20 ft

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed fifty (50) feet in height except provided in Section 3.9 Exceptions to Height Limitations.

5. Parking space requirements: As regulated Section 4.5 Off-Street Parking Requirements.

### 5.11.2 I-2, Heavy Industrial District.

- A. District Description: This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Pegram area. No new residential developments are permitted, thereby insuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for industrial activities.
- B. Uses Permitted: In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted:
1. Uses that are permitted in the I-1, Light Industrial District.
  2. Lumber and wood products manufacturing.
  3. Lots of yards for scrap or salvage operations or for processing, storage, display, or sales or any scrap or salvage materials.
  4. Meat products manufacturing.
  5. Dyeing and finishing of textiles.
  6. Paper and allied products manufacturing.
  7. Chemicals and allied products manufacturing.
  8. Petroleum refining and related industries.
  9. Rubber and miscellaneous plastic products manufacturing.
  10. Primary metal industries.
  11. Ordinance and accessories manufacturing.
  12. Mining activities and related services.
  13. Automotive and related manufacturing.
- C. Uses Permitted as Special Exceptions: (Deleted 1, and Renumbered by Ordinance 2005-32, March 30, 2006)  
In the I-2, Heavy Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 9.3: Procedure for Authorizing Special Exceptions.
1. Automobile wrecking, salvage, and junk yards, subject to provisions of Section 5.13.3: Development Standards for Automobile Wrecking, Junk, and Salvage Yards.

2. Solid waste disposal, subject to the approval of the Cheatham County Health Department, the Tennessee Department of Environment and Conservation and the Pegrum Board of Mayor and Aldermen.

D. Uses Prohibited: Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Development Standards:

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

1. Minimum Lot Size: No minimum lot size is required in the I-2 Heavy Industrial District
2. Minimum Yard Requirements:

<b>Minimum Yard Requirements: I2 Heavy Industrial District</b>	
Front Setback	50 ft
Side Setback	20 ft
Rear Setback	20 ft

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.
4. Height Requirement: No building shall exceed fifty (50) feet in height except provided in Section 3.9: Exception to Height Limitation
5. Parking space requirements: As regulated in Section 4.5: Off-Street Parking Requirements

**5.12 Planned Unit Development Overlay Districts**. These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

Planned Unit Development Overlay Districts may overlay any of the following residential and commercial districts:

**R-1, C-1, R-2, R-3**



When a Planned Unit Development Overlay District is proposed, permitted uses and density calculations are taken from the underlying base district. However, minimum lot sizes, yards and other dimensional requirements shall be designated by the regulations of the given planned unit development.

#### **5.12.1 General Provisions**

- A. Master Plan Required. No application for PUD zoning shall be considered unless a preliminary master plan meeting the requirements set forth in this ordinance has been presented to the planning commission.
- B. Ownership and Division of Land. No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered land owners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.
- C. Relationship to Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the Planning Commission.
- D. Development Period, Staging Schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction of buildings or infrastructure shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the review of the PUD and shall proceed to cancel or extend such final master plan depending on the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
  2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.
- E. **Cancellation or Abandonment of a Master Plan.** Any approval of a master plan that results in a rezoning is contingent upon the strict compliance of the other provisions of this section. Upon cancellation or abandonment of any master plan, any rezoned property shall revert to its zoning classification it had prior to the approval of the preliminary master plan.
- F. **Common Open Space, and Facilities.** Any common open space or public facilities shall be subject to the following provisions:
1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures be provided.
  2. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
  3. The Planning Commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such shall not be dissolved nor shall it dispose of any common open space, by scale or otherwise(except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
  4. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common space in reasonable order and condition in accordance with the adopted master plan, the Building Inspector may serve written notice upon such organization and/or the owners or residents of the planning unit development and hold a

public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.

5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, public areas be set aside, improved, and/or dedicated for public use, and shall become a lien on said properties.
6. If the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
  - a. The Homeowners' Association must be set up before the lots are sold.
  - b. Membership must be mandatory for each home buyer and any successive buyer.
  - c. The open space restrictions must be permanent, not just for a period of years.
  - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  - e. Homeowners must pay their prorata share of the cost and the assessment levied by the association can become a lien on the property.
  - f. The association must be able to adjust the assessment to meet changing needs.
  - g. The Municipal Planning Commission and the Board may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas to be set aside, improved, and/or dedicated for public use.

**5.12.2 Administrative Procedure.** The provisions of this section govern the procedure for approval for all PUDs as provided herein.

- A. Preliminary Approval. Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they

are not inconsistent herewith. The application for preliminary approval shall be filed with the building inspector accompanied by:

1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:
    - a. The location and size of the area involved;
    - b. Lot areas and dimensions;
    - c. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas;
    - d. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units;
    - e. Estimated population and density and extent of activities to be allocated to parts of the project;
    - f. Reservation for public uses including schools, parks, and other open spaces;
    - g. Other major landscaping features; and
    - h. The general means of the disposition of sanitary wastes and storm water.
  2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
  3. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
  4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
  5. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
  6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
- B. Zoning Amendment. After review of the preliminary master plan, the Planning Commission shall make recommendations on the amendment to the Board reclassifying the proposed PUD to the appropriate planned unit development overlay district. The request for the zoning amendment submitted to the Board will include the recommended preliminary master plan. A zoning amendment to increase density for residential districts will coincide with the zoning request for a

planned unit development overlay district. For example, R-1 property may be rezoned to an R-3 PUD Overlay District in a single action. If the Board approves the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project.

- C. Application for Final Approval. Upon approval of the preliminary master plan and accompanying zone change, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.
- D. Final Approval of Stages. The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development.
- E. Final Master Development Plan of a Planned Unit Development. The final master plan of a PUD for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.
- F. Amendments to the Planned Unit Development. The terms, conditions, and the final master development plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master development plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and height of the

buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Major changes, as determined by the planning commission, such as changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other major change must be forwarded to the Board after the planning commission has made its recommendations.

- G. Subdivision Plat Required. A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master development plan, a final plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Register.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an “as-built” building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

- H. Building Reconstruction. In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master development plan. No change in any dimension or location shall be permitted without an official amendment approved by the Planning Commission.

- I. Zoning Considerations. When an area is submitted for PUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load nor where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide satisfactory relationship of land use of the PUD with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

### **5.12.3 RPUD, Residential Planned Unit Development Districts**

- A. Permitted Uses. Within an approved RPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.

- B. Commercial Activities. In RPUDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD and no individual establishment shall exceed four thousand (4,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

1. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan;
  2. The building design shall be compatible with the remainder of the RPUD;
  3. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
  4. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained at a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards of at least ten (10) feet shall also be maintained.
  5. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either not illuminated or any lighting must be indirect. Portable signs of any kind are prohibited.
  6. Any loading service area shall be in the rear of the building.
  7. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.
- C. Dimensional Requirement. All RPUDs shall comply with the following areas regulations:

1. Minimum Size No minimum size is required.
2. Front Yard
  - a. There shall be a front yard setback for all buildings of thirty (30) feet.
  - b. Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line than the minimum setback established by the existing buildings.

3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.
  4. Other Yard Requirements. Within the boundary of the RPUD, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the RPUD.
  5. Lot Area and Frontage. In the case of detached dwellings, no lot shall be approved with an area of less than six thousand (6,000) square feet and a street frontage of less than seventy-five (75) Feet at the building setback line.
  6. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 3.9 Exceptions to Height Limitations.
- D. Density of Development. The maximum overall density shall be specified in terms of the number of the dwelling units per gross acres of the acreage of the entire development. The maximum densities are taken from the underlying base district and shall be as follows:

<b>Maximum Density (Dwelling Units per Gross Acre)</b>			
	<b>RPUD containing only single family detached dwellings</b>	<b>RPUD containing duplex dwellings</b>	<b>RPUD containing multi-family dwellings</b>
<b>R-1</b>	2.18 with public sewer	NA	NA
	1.09 without public sewer		
<b>R-2</b>	4.36 with public sewer	5.81 with public sewer	NA
	2.18 without public sewer	2.90 without public sewer	
<b>R-3</b>	4.36 with public sewer	5.81 with public sewer	NA
	2.18 without public sewer	2.90 without public sewer	
<b>R-4</b>	5.81 with public water	11.62 with public sewer	14.52 with public sewer

- E. Required Improvements. All RPUDs shall comply with the schedule of improvements required in this section.
1. Internal Streets. Within any RPUD, streets may be public or private. Streets may be privately constructed and maintained either by the landowner/developer or



deeded to the Homeowners' Associations. Specifications and procedures of the subdivision regulations for a paved street shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Residential PUD:

- a. Curb and gutters are required on all streets.
- b. Minimum pavement widths shall be as follows: (from edge of gutter to edge of gutter)

<b>Collector Street</b>	<b>22 ft</b>
<b>Minor Street</b>	<b>20 ft</b>
<b>One-Way Street</b>	<b>12 ft</b>

- c. Dead end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.
  - d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.
2. Off-Street Parking. All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be defined in Section 4.5: Off-Street Parking Requirements.
  3. Sidewalks. Sidewalks are required on at least one side of all streets within RPUDs except for alleys. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
  4. Street Lighting. Street lighting will be considered upon a case by case basis. When required, street lighting shall be decorative.
  5. Utilities. The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.

6. Waste Disposal. If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.
7. Recreation and Open Space. Recreation uses provided as part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. Where a RPUD contains only single family detached dwellings, only open space is required. In both instances, the amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

#### **5.12.4 CPUD, Commercial Planned Unit Development Districts**

- A. Permitted Uses. Within an approved CPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.
- B. Dimensional Requirement. All CPUDs shall comply with the following area regulations:
  1. Minimum Size No minimum size is required.
  2. Front Yard. The front setback for buildings shall be a minimum of fifteen (15) feet with a permanently landscaped front yard of no less than ten (10) feet exclusive of driveways.
  3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the CPUD of not less than forty (40) feet. A minimum side and rear yard of ten (10) feet shall be maintained in a permanently landscaped manner.
  4. Other Yard Requirements. Within the boundary of the CPUD, the Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the CPUD.
  5. Maximum Height of Buildings. Refer to height requirements for underlying base districts in the Pegram Zoning Ordinance.
  6. Maximum Lot Coverage. The area occupied by all structures shall not exceed forty (40) percent of the total area of the CPUD.
- C. Required Improvements. All CPUDs shall comply with the schedule of improvements regulated in this section.
  1. Internal Streets. Within any CPUD, streets may be public or private. Streets may be privately constructed and maintained by the landowner/developer. Specifications and procedures of the subdivision regulations shall apply

regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Commercial PUD:

- a. Curb and gutters are required on all streets.
- b. Minimum pavement widths shall be as follows: from edge of gutter to edge of gutter)

<b>Collector Street</b>	<b>24 ft</b>
<b>Minor Street</b>	<b>20 ft</b>
<b>One-Way Street</b>	<b>12 ft</b>

- c. Dead end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.
  - d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.
2. Off-Street Parking and Loading. The off-street parking and loading requirements contained in Article IV, Sections 4.010 and 4.020, shall apply. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Refer to Section 2.5, of the Pegram Design Review Manual, for appropriate landscaping techniques.
  3. Sidewalks. Sidewalks are required on at least one side of all streets within CPUDs, except for alleys. In commercial areas with small setbacks, it may be appropriate for sidewalks to be adjacent to street curbs. Depending on the type and size of development, the space between sidewalk and street curb will be addressed on a case by case basis. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
  4. Utilities. The development shall be serviced with a public sanitary system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.

5. Waste Disposal. If any central disposal containers are provided, they shall be completely enclosed and screened from view.
6. Signs. Signs in CPUDs shall comply with the provisions located in Section 4.080, of the Pegram Zoning Ordinance.
7. Landscaping. At least fifteen (15) percent of the total area of the CPUD shall be landscaped to enhance site appearance.

Included in the fifteen (15) percent shall be the ten (10) feet of required front yard landscaping, appropriate parking area landscaping and ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 5.8 Buffer Strips. The nature of the buffering shall be specified by the Planning Commission as part of the approval of the final master development plan, based on the type of buildings and the nature of the CPUD. Refer to Section 2.6, of the Pegram Design Review Manual, for specific landscaping requirements.

**5.13 Supplementary Design Provisions** The following are additional considerations that must be met for the named uses.

**5.13.1 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: 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.

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.

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

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.

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 sewage 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 tie downs 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 Section 9.3: Procedure for authorizing special exceptions., 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.

The written application, plans, and schedules, herein required, will be submitted to the Pegram Building Inspector and Staff Planner.

The Building Inspector and Staff Planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.

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.

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

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.

Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.

Sign requirements as established in Article VII.

**5.13.3 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.
- 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 9.3: Procedure for Authorizing Special Exceptions.

#### **5.13.4 Special Conditions for Mini-Warehouses**

- A. No door openings for any storage unit shall be constructed facing any residentially zoned property.
- B. Commercial or industrial storage shall be limited to less than fifty percent (50%) of the total square footage of the facility.
- C. No hazardous materials shall be allowed in any storage units.



- D. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations is prohibited.
- E. Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.
- F. The operation of power tools, spray painting equipment, table saws, lathes, compressions, welding equipment, kilns, or other similar equipment is prohibited.
- G. All lights shall be shielded to direct light onto the established uses and away from all adjacent properties.
- H. No sales, garage sales, auctions or miscellaneous services or business activities shall be conducted on the premises.
- I. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
- J. The establishment of a transfer and storage business is prohibited.
- K. All drives and parking areas shall be constructed with a dust free surface.

**5.13.5 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.

**5.13.5.1 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:

- for a guyed tower, fifty percent (50%) of its maximum height, and
  - 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).

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

- A. All site plan information cited in Section 3.120, of this Ordinance, which is deemed applicable by the Planning Commission.
- B. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- C. Documentation that any applicable leasehold is no less than 50 years in duration.
- D. 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.
- E. 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.
- F. 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.
- G. 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 a one-half (1/2) mile radius of the proposed tower site.

**5.13.6 Zero Lot Line Duplex Requirements.** Zero Lot Line Duplex dwellings shall be subject to the following requirements:

**5.13.6.1 Density Requirements.** The density of the development permitted shall be determined by dividing the gross site, less streets, by the lot area required in an R2 or R4 district, for a duplex or two-family structure or building type.

**5.13.6.2 Parcel (Fee Simple Lot) Requirements Area and Width Requirements.** The lot area and lot width may be variable provided that no parcel shall be created which contains less than one half (1/2) of the required lot area per structure of building type as stipulated in **Section 5.13.6.1 Density Requirements.** In no case shall an individual parcel be created which contains less than an absolute minimum of 3,750 square ft., or a lot width at the building setback line of less than 75 feet.

- A. **Coverage Requirements.** On any individual parcel of land, the area occupied by all buildings or structures thereon including accessory structures if any, shall not exceed thirty-five (35) percent of said parcel. All accessory structures shall be governed by the provisions of the zoning ordinance.
- B. **Front, Rear and Side Yard Requirements.** The front and rear yard setback requirements shall be as specified in the R2 and R4 districts. Where required, side yard setbacks per each building type shall also follow the R2 and R4 zoning district regulations. Such side yard setbacks are required at the end of each individual building or structure located within the development.
- C. **Height Requirements.** All developments utilizing zero side yards shall contain no more than one (1) story.

**5.13.6.3 Other Development Requirements**

- A. The exterior material of zero lot line dwellings shall be of such type and quality that they do not create an adverse effect on adjacent buildings.
- B. The side yard setbacks may be zero on any parcel provided that the parcel(s) adjacent to that (those) side yard(s) is (are) held under the same ownership at the time of initial construction.
- C. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Board of Zoning Appeals for a zero side yard development.

- D. No portion of a dwelling or architectural features of a structure shall project over any project line.
- E. Where the same interior property line(s) is utilized for the zero side yard construction of any dividing structure(s), such dividing structure(s) shall consist of double walls separated by a minimum air space of two (2) inches.
- F. Where the same interior property line(s) is utilized for the construction of any zero side yard structures, all the provisions of the adopted Building Code shall be met, and all such fire walls shall have a rating as required by the Pegram Fire Department.
- G. All residential structures must contain a firewall between the various dwelling units, from the footing to the peak of the roof of not less than two hours fire rating. The firewall must be bisected by a line dividing each dwelling unit so that one-half of the firewall is on each parcel.

**5.13.6.4 Parking and Access Requirements**

- A. There shall be two (2) parking spaces per individual parcel subdivided, and special attention shall be directed to providing the required spaces in a manner which will minimize points of access onto the public road serving the development.
- B. Every dwelling unit shall be located on a parcel fronting or adjacent to a public street. All structures shall be so located on the various parcels so as to provide safe, convenient access for the provision of adequate fire protection to such parcels.

**5.13.6.5 Utilities Requirements.** All zero side yard residential developments shall be served by public water and sanitary sewer services. Each parcel shall be served by separate utilities.

**5.13.6.6 Location Requirements.** In authorizing any development anticipated herein the Board of Zoning Appeals shall consider:

- A. The nature, type, density, etc., of development adjoining and within the immediate vicinity of the proposed activity.
- B. The location of the development with regard to the major streets, and especially in regards to Pegram’s Major Thoroughfare Plan.
- C. The availability of all public utilities (specifically including public sewer).
- D. The adequacy of fire protection facilities.
- E. The adequacy of deed covenants designed to assure protection of potential purchasers, surrounding owners, and the community at large.

#### **5.13.6.7 Contents of Deed Covenants**

At the time of presentation of any final plan involving use of the procedure contained within this section, deed covenants shall also be prepared, presented, and recorded which at a minimum provide:

- A. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
- B. Adequate language to assure proper maintenance, etc., of any portion of the structure where maintenance must be shared (ex. Common roof). If the correction of a maintenance problem incurred in the dwelling unit on one parcel necessitates construction work or access on the dwelling unit of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.
- C. Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel be viewed as a separate independent parcel for zoning parcels.
- D. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
- E. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owner thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a large contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

#### **5.13.6.8 Subdivision Regulations**

All the requirements of the Pegram Subdivision Regulations shall be met as well as the granting off a special exception by the Board of Zoning Appeals allowing said zero side yard developments, before the development may qualify as being legally approved.

Preliminary subdivision plats shall designate no more than twenty (20) percent of their lots as zero lot line dwellings. Moreover, both preliminary and final subdivision plats shall designate specific lots as being “zero lot-line developments lots”, and the planning commission shall approve these locations.

**5.13.6.9 Requirements for Review and Approval.** No development anticipated by the language contained herein shall be undertaken without an express grant of approval by the Board of Zoning Appeals acting under authority granted to the Board for approval of special exceptions. Moreover, as stated above, the final subdivision plat of the project shall be submitted to and approved by the planning commission, as well as the required review of the entire project as a special exception of the Board of Zoning Appeals.

## ARTICLE VI: DESIGN REVIEW MANUAL PROVISIONS

(ADDED BY ORDINANCE 2004-12, OCTOBER 28, 2004)

**6.1 Purposes and Intent** The purpose of this article is to conserve property values within the Town of Pegram by establishing procedures for the design review of development henceforth erected, reconstructed, or altered, and thereby:

- A. To promote qualities in the environment that sustains the community's economic well-being;
- B. To foster the community's attractiveness and functional utility as a place to live and work;
- C. To preserve the community's heritage by maintaining the integrity of any area(s) enjoying a discernible character contributing to this heritage;
- D. To safeguard public investment within the community;
- E. To raise the level of citizen expectations favoring the quality of the community's visual environment.

**6.1.1 Role of the Pegram Municipal Planning Commission** The Pegram Municipal Planning Commission shall administer the provisions of this article including, without limitation:

- A. Certification that proposed development comports with the design standards set forth herein;
- B. Recommendation of amendments, as necessary, to the Design Review Manual for approval by the Board of Mayor and Aldermen;
- C. Consultation with municipal and other appropriate agencies on matters addressed in this article;
- D. Adoption of such rules and procedure as the Planning Commission may deem necessary.

**6.1.2 Design Review Manual**. To further the purposes of this article as set forth herein, there is hereby adopted a Design Review Manual. Amendments to the Design Review Manual shall be made by ordinance approved by a majority of the entire membership of the Pegram Board of Mayor and Aldermen, with appropriate input from the Pegram Municipal Planning Commission.

**6.1.3 Development Subject to Design Review.** Development, including any buildings, structures, or physical improvements pertaining thereto, shall be subject to the provisions of this article if approval of this development is conditioned upon one or more of the following:

- A. Site Plan approval under Section 3.3: Site Plan and Design Review including a new structure or any addition to an existing structure totaling fifty (50) percent of the ground floor area, or any external modification where the estimated cost of the improvement exceeds fifty (50) percent of the total assessed value of the structure as per Cheatham County tax records;
  - 1. Final planned unit development master development plan approval unless the plan envisages the construction exclusively of residential dwellings;
  - 2. Special exceptions granted under Section 9.3: Procedure for authorizing special exceptions, involving either a new structure or any addition to an existing structure totaling fifty (50) percent of the ground floor area, or any external modification where the estimated cost of the improvement exceeds fifty (50) percent of the total assessed value of the structure as per Cheatham County tax records;

**6.1.4 Development Exempt from Design Review.** Reconstruction or repairs required for immediate public health or safety reasons, as determined by the Mayor or his designee, are expressly exempted from the requirements of this article.

## **6.2. Design Review Applications and Processing.**

### **6.2.1 Design Review Procedure.**

Any prospective applicant for a development approval permit that may require design certification under this article may request a preliminary conference with the Building Official by filing a written request no later than fourteen (14) days prior to the staff meeting at which the PRE-APPLICATION conference is sought. Accompanying the request shall be six (6) copies of such preliminary exterior drawings, site plans, and related materials as the applicant wishes to bring to the Building Official's attention. Viewpoints expressed by the Building Official shall be advisory only; no legally enforceable rights or expectations of any kind shall vest until the applicant's formal application for design review has been processed in accordance with all the provisions of this article.

**6.2.2 Submission to and Review by Building Official.** Applicants for design review certification shall submit to the Building Official the photographs, site plans, site landscaping plans, and schematic building plans referenced in Section 3.1 of the Design Review Manual, adopted by the Town of Pegasus, concurrent with the adoption of this article. The Building



Official will review all submittals. Written comments of the Building Official will be made available to developers at least fourteen (14) days prior to the Planning Commission meeting in which their project will be heard; after determining that the application comports with the requirements of Section 3.1, the Building Official shall transmit to the Planning Commission members the application, along with all written comments and recommendations.

**6.2.3 Submission to and Review by Building Official.** The Planning Commission shall approve, approve with conditions, or disapprove an application for design review certification within sixty (60) days of the application's initial review by the Pegram Municipal Planning Commission, unless the Commission and the applicant agree to a greater time period. Absent such an agreement, all applications not acted upon by the Planning Commission within sixty (60) days shall be deemed approved. Minutes shall be kept of the Planning Commission's proceedings and reasons for its decisions shall be clearly stated in this record. An approved application and its supporting exhibits shall be endorsed as approved by the Commission or its authorized representative.

**6.2.4. Appeal of Planning Commission Actions.** Any person aggrieved by a Planning Commission action under this article may appeal the decision to the Board of Mayor and Aldermen within thirty (30) days after such decision. Appeals shall be decided within sixty (60) days of their filing unless the applicant and the Board agree, in writing, to extend this period. In reviewing the appeal, the Board shall not invalidate the Commission's action, unless approved by majority of the entire membership. The reason for the decision of the Board of Mayor and Aldermen's determination shall be clearly reflected in the minutes. If the Board invalidates the Commission's action, it may, in its discretion, either exercise the powers of the Commission or remand the matter, along with its statement of reasons, to the Commission for further action not inconsistent with these reasons, which the Commission shall take within thirty (30) days to remand.

**6.2.5 Design Review Standards Review**

In reviewing applications, the Planning Commission shall insure that the proposed development satisfies the criteria for the applicable category or type of development as these criteria are set forth, by category or type, in the Pegram Design Review Manual, and in any pertinent Town of Pegram land use or building regulations and ordinances. In the case of a conflict between these ordinances, the more stringent shall govern.

**6.3. Design Districts** The Pegram Board of Mayor and Aldermen hereby has designated the design district as within current corporate city limits at the request of citizens and the Planning Commission, as it has determined that the area contains buildings, structures, burial grounds,

or other features of archaeological, architectural, or design significance. This area is to include all areas of the Town except for one- and two family dwellings.

**6.3.1 Administration.** No building or other development permit shall be issued for the construction, reconstruction, alteration, or demolition of any building, structure, or physical improvement within the design district of the Town absent certification by the Planning Commission pursuant to this article, or the conformance of the proposed development with the design standards referenced herein.

**6.3.2 Application; Vested Rights** The provisions of this article shall not be applicable to any property owner whose actions prior to the article's effective date have created a vested right to develop under applicable state or federal law. All other development or proposed development shall be subject to this article's provision.

**6.3.4 Prohibitions** No building permit, license, certificate, or other approval or entitlement shall be issued or given by the town with respect to any development subject to design review, until the development has been approved pursuant to this article. No certificate of use or occupancy, whether temporary or permanent in form, shall be given for any such development until the Building Official has certified that the development has been completed in accordance with the design approved by the Planning Commission; provided, however, that the Commission, in its discretion, may elect to grant a Temporary Use and Occupancy Permit subject to a reasonable bond guaranteeing that the applicant will complete the development in accordance with the approved design within a time certain.

## ARTICLE VII: SIGNS

### 7.1 Standards for Signs, Billboards, and Other Advertising Structures

### 7.2 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;

### 7.3 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.

### 7.4 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 no rigid 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 anon rigid 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 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 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:

- 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;
- Is used to announce, direct attention to, or advertise; and
- Is visible from outside a building

Sign, Abandoned: Any sign in which the functions of direction and/or identification of a bona fide business, lesser, 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 reader boards 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, Hand tacked: 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 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 trans illuminating 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.

## **7.5 Exempt Signs and Temporary Signs**

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

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.

Artwork: Works of art that do not include any commercial messages or references.

Construction Signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.

Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.

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.

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.

Handicapped Parking Space Signs: Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

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.

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.

Seasonal Signs: Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.

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.

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.

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.

### **7.5.2 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.

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.

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 (2) square feet, nor shall any sign exceed six (6) feet in height.

Constructions 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) 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.

Auction Signs: Signs announcing and directing the public to the auction site shall be limited to maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, 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.

## **7.6 General Provisions**

### **7.6.1 General Standards**

- A. No sign except for those specified 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 structure 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 effect surrounding or facing premises

nor effect 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.

#### **7.6.2. 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.

#### **7.6.3 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.

**7.6.4 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 provided by exposed bulbs or lamps;
- H. Off-premise signs, except as permitted in Subsection 4.080;
- I. Flashing signs;
- J. Hand tacked signs, on utility poles, fence posts and trees;
- K. Portable signs, except as permitted in Subsection 4.080.3;
- L. Roof signs

**7.7 Signs Permitted in Residential Districts** Within the residential districts, the following signs are permitted subject to the provisions set forth herein.

A. Community Facility Activities

1. A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
2. 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 earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
3. A wall sign shall not exceed fifty (50) square feet in size.
4. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
5. Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight (8) feet.

B. Development Signs

1. 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 phased development the time may be extended by the enforcing officer one (1) additional year for each year the development is under contiguous construction. Such signs may be either a pole or ground sign.
2. A development sign shall not exceed three hundred (300) square feet in size nor fifteen (15) feet in height.
3. A development sign shall not be lighted.
4. Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

C. Large Residential Signs

1. Subdivision identification signs may be permitted at the main entrance to a subdivision.
2. Each subdivision is allowed a maximum of two (2) identification signs located at the main entrances. These signs are to be located on private property or in an median if one is present.
3. All subdivision identification signs shall be integrally designed as a part of a permanent constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
4. A subdivision identification sign shall not exceed twenty five (25) square feet in size.
5. The maximum height of such signs shall be four (4) feet when constructed as a round 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.
6. All subdivision identification signs and the attendant landscaped area shall be owned and maintained by either the owner/developer all by legally established homeowner's association.
7. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such signs. No light shall shine or reflect on or into residential structure.

**7.8 Signs Permitted in Commercial and Industrial Districts.** Within the commercial and industrial districts, the following signs are permitted subject to the following provisions.

- A. Commercial District Signs. Within Commercial Districts, the following standards for signs shall apply:
1. 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 signs are prohibited.
  2. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
    - a. Such sign shall not exceed eighty (80) square feet in display surface area.
    - b. Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case such sign extend above the roof line of the building to which it is attached.
    - c. Such sign shall clear the established grade by a minimum of ten (10) ft.
    - d. Such sign shall be no closer than twenty five (25) feet to any other projecting sign.
    - e. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premise.
  3. Wall signs are permitted subject to the following standards:
    - a. Such signs shall not exceed fifty (50) square feet in display surface area.
    - b. 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.
    - c. 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.
    - d. 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.
    - e. Such sign shall not cover or interrupt major architectural features of the building.

- f. If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.
  - g. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
4. 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.
- a. 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.
  - b. 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.
  - c. 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.
  - d. Such sign shall be set back from the right-of-way a minimum of eight (8) feet.
5. 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)**
- a. 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.
  - b. 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.

- c. 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.
  - d. 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.
6. Signs may be illuminated subject to the following standards:
- a. Exposed bulbs or luminous tubes are prohibited.
  - b. No sign shall change color or intensity.
  - c. In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line that is zoned residential.
  - d. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity of brightness shall not adversely affect the surrounding or facing premises not 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 residential structures.

## **7.9 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.

#### **7.10 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 the maximum height of thirty-five (35) feet with a minimum of ten (1) 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.

#### **7.11 Temporary Advertising Sign Provisions**

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

##### **A. General Requirements**

1. Prior to erecting, hanging, placing or otherwise displaying a temporary sign, a permit shall be obtained from the Town Hall. Said 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 six (6) consecutive months. The cost of the said 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.

2. Banners may be used as temporary signs.
3. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
4. No temporary sign shall be displayed on a roof.
5. 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.
6. 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.

B. Display Surface Area, Height, and Illumination

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

C. Location of Temporary Signs

1. 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.
2. The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) ft.
3. No temporary signs shall be closer than fifty (50) ft. from any permanent sign.

**7.12 Nonconforming and Non-complying 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.

A. 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:

1. 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,
2. The total copy of an advertising sign may be changed in accordance with normal business practices; and,
3. The proposed alteration conforms to the provisions of this ordinance; and,
4. No new conformance or noncompliance is created.

B. 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.

C. 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 Pegram. 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.

C. 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, fence posts, 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.

E. 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.

## ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

**8.1 Separability.** Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**8.2 Interpretation.** Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.

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

**8.4 The enforcement officer.** The provisions of the ordinance shall be administered and enforced by the Town Building Inspector. In the event of an absence of the Building Inspector position, the Mayor may appoint an enforcement officer. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all building permits and make and maintain records.
- B. Issue all Certificates of Occupancy and maintain records.
- C. Issue and renew , where applicable all Temporary Use Permits and maintain records.
- D. Maintain and keep current zoning maps and records of amendments.
- E. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other materials on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as necessary to insure compliance with the various and general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

**8.5. Complaints regarding violations.** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

- A. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance or conditional uses) shall constitute a misdemeanor and shall be punished as provided for by law. Each day such violation exists shall be deemed a separate offense. The fine for violations shall be as established by the Town of Pegasus in their municipal code.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**8.6 Remedies**

- A. In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended, or converted, or any building or other structure or land is or is proposed to be used in violation of this ordinance, the Zoning Administrator or other appropriate authority of the City government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, extension, conversion or use, to correct or abate the violation, or to prevent the occupancy of such building or other structure or land.
- B. Where a violation of these regulations exists, the Zoning Administrator may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re – establishment of service be withheld until such time as the building or other structure of premises are no longer in violation of these regulations.

**8.7 Lots of Record.** The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the

yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.

- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than the prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provision hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**8.8 Nonconforming uses.** The districts established in this ordinance are designed to guide the future use of land in Pegram, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

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

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

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

**8.8.1 Lots Containing Nonconforming Use.** A lot containing a nonconforming use shall not be reduced in area.

**8.8.2 Continuation of Nonconforming Use.** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

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

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

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

**8.8.4. Expansion of Nonconforming Use.** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments, thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that such expansion shall not violate the provisions as set out below.

**8.8.4.1 Land with Incidental Improvements.** In all districts a nonconforming use of land, not involving a building or structure, or in connection with which and building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

**8.8.4.2 Repairs and Alterations.** Repairs, incidental alterations, or structural alterations may be made in noncomplying building or other structures.

**8.8.4.3 Adequate Space for Expansion.** No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance.

**8.8.4.4 Expansion Limited.** No expansion of any nonconforming use shall not be expanded into the identified flood hazard area.

**8.8.4.5 Buildings Noncomplying as to Lot Area.** If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in

the floodplain district), provided that the deficiency in the required lot area in not thereby increased (for example, a noncomplying building on a lot of 3,500 sq. ft., which before conversion required a lot area of 5,000 sq. ft. and was, therefore, deficient by 1,500 sq. ft., can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet.

**8.8.4.6 Damage or Destruction of Noncomplying Uses.** A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree or noncompliance of a building or structure or parcel or portion thereof.

**8.8.5 Discontinuance.** When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of thirty (30) months (Tennessee Code Annotated, § 13-7-208.), then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

**8.9 Effect of this ordinance on applications submitted but not approved**

- A. **Completed Applications for Plans and Permits** At the applicant's option, applications for building permits, site plans, conditional use permits, or similar plans or approvals determined by the Enforcement Officer to be substantially complete as of the date of passage of this ordinance may be approved under the provisions of this ordinance or the ordinance in effect immediately previous to this ordinance.
- B. **Timely Submission of Information** Applicants who have substantially complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform to the provisions of this ordinance.

**8.10 Certificate of Occupancy.** No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after certification that a building or premises is ready for use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause of such refusal.



**8.11 Building Permits.** It shall be unlawful to commence the evacuation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure, or to change the use of a building or structure, or to commence the filling or site grading of land without a permit, issued by the Building Inspector. If said evacuation or construction is begun with a proper building permit the building permit fee shall be doubled or twice the original cost of the original permit if legal compliance has been obtained as is required.

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

- A. Application: Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or plat in duplicate, drawn to scale, and shown the following:
  1. The actual shape, location, and dimensions of the lot to be built upon.
  2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
  3. The existing and intended use of all such buildings or other structures.
  4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
  5. If the building permit is part of a project that requires site plan or subdivision plat approval then the approved site plan or plat is required to be submitted to the Building Inspector as a part of the building permit application. If these documents are not provided, the building permit shall be denied.
- B. Fee: The Pegram Board of Mayor and Alderman shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Office of the Building Inspector and City Hall. Only the Mayor and Board of Alderman may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.
- C. Issuance of Permit: If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a Building Permit for such excavation or

construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the reason for disapproval. Issuance of a permit shall in no case be construed a waiving of the provisions of this ordinance.

- D. Construction Progress: Building permits shall only be valid for one year beginning on the date of issuance. Building permits can be renewed by the Building Inspector for a period of one (1) year. If no active construction is evident on a site within a period of twelve (12) months all building permits on the site will be revoked and the project will have to reapply for building permits with the Building Inspector.
  - Coordination with Site Plan and Subdivision Plat approval. For projects that have site plan or subdivision plat approval from the planning commission or Board of Zoning appeals, the project must be commenced within five (5) years. If the project is not commenced the project must be reapproved by the planning commission under the current regulations in effect at the time of the new application. An extension of approval can be granted by the reviewing body. Projects under reconsideration by the reviewing body are subject to application fees as established by the Town of Pegasus.

#### **8.12 Performance bonding of required public and private improvements**

- A. Completion of improvements: Before a Certificate of Use and Occupancy can be granted all required public and private improvements, conditions detailed by the Planning Commission or Board of Zoning Appeals, and required landscaping shall be completed. The planning staff may waive the requirements that the applicant complete and/or dedicate all public and private improvements and landscaping prior to being issued a final Use and Occupancy Permit and allow the applicant to post an irrevocable letter of credit or other approved surety instrument to ensure the construction, installation, and/or dedication of all remaining required public and private improvements and landscaping. The bond shall be in the amount of one hundred and twenty five (125%) of the estimated cost as determined by the Town Engineer and accepted by the Planning Commission. The irrevocable letter of credit shall secure all site improvements and private access improvements required pursuant to this ordinance, including necessary off-site improvements.
- B. Bonding Period: The period within which required improvements shall be completed shall be specified by the City Engineer, incorporated in the irrevocable letter of credit, and shall not exceed one (1) year from the date of approval of the Temporary Use and Occupancy Permit.

The irrevocable letter of credit shall name the Planning Commission and/or Town of Pegram as obliges and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The City Attorney may authorize another method of surety agreement that may be deemed adequate and equally enforceable. The irrevocable letter of credit must be renewed by the applicant until all improvements are completed and accepted by the Planning Staff. If the irrevocable letter of credit expires all building permits will be revoked by the Building Inspector until the irrevocable letter of credit is renewed and submitted to the Town for acceptance.

- C. Release of Irrevocable Letter of Credit: The irrevocable letter for credit, and the surety securing it, may be released by the Planning Commission upon acceptance by the Town of Pegram of the public and private improvements and landscaping.
  - 1. A request for release of the irrevocable letter of credit shall be submitted to the Planning Commission until:
    - a. The applicant has presented a letter to the Planning Commission requesting release of the irrevocable letter of credit, including a written statement from the engineer, surveyor, or contractor employed by the applicants stating that the improvements have been installed in accordance with the plans and specifications as approved.
    - b. Assurances have been obtained through avadavat, releases, or waivers of liens from all contractors and subcontractors of the filing of public disclaimers, that liens will not be filed against the dedicated land and/or improvements after they are accepted by the Planning Commission.
  - 2. The approval of a site plan shall not constitute or imply the acceptance by the Town of Pegram of a public improvement shown on the site plan. The Planning Commission may require the site plan to be endorsed with appropriate notes to this effect.
  - 3. The costs incurred in connection with a request for release of the irrevocable letter of credit shall be borne by the applicant, regardless of whether his request is ultimately granted. No irrevocable letter of credit shall be released until the City Recorder certifies that all fees have been paid.

### **8.13 Failure to complete improvements**

Where an irrevocable letter of credit has been posted and required improvements have not been installed within the terms of the surety instruments and site plan or plat approvals then the Planning Commission and/or Mayor may declare the irrevocable letter of credit to be in default and authorize the calling of the irrevocable letter of credit and the completion of

improvements under the supervision of the appropriate City department. The improvements may be made by the Town staff or bid out to appropriate contractors as applicable to the Town's purchasing regulations.

**8.14 Amendments to the ordinance** The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Board of Mayor and Aldermen of Pegram. Any member of the Board of Mayor and Aldermen may introduce such legislation, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance. These amendments must be in relations to the Land Use Plan and the general welfare of the community.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Pegram Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Board of Mayor and Aldermen to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen.

Before enacting amendment to this ordinance, the Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Pegram.

- A. Fee: A fee is due and payable at the time of filing of the petition shall be posted with requests to amend the zoning ordinance. The fee will be established by the Town of Pegram as part of the Town's municipal code. The fee is to be used by the Town of Pegram to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

## ARTICLE IX: BOARD OF ZONING APPEALS

**9.1 Board of Zoning Appeals** In accordance with 13-7-205 through 13-7-207 of the Tennessee Code Annotated, there shall be a Board of Zoning Appeals consisting of 5 members. The Mayor and Board of Aldermen shall specify the mode of appointments with all subsequent appointments to be for five (5) years. Vacancies of said Board shall be filled for the unexpired term of those members whose position have become vacant. All members of the Board may be removed from membership on the Board for continued absence of just cause. Any member being so removed shall be provided, upon request, a public hearing upon the removal decision.

- A. Procedure: Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.
- B. Appeals to the Board: An appeal to the Pegram Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.
- C. Stay of Proceedings: An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.
- D. Appeal to the Court: Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

**9.2 The Board of Zoning Appeals shall have the following powers:**

- A. Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out of enforcement of any provision of this ordinance.
- B. Special Exceptions: To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.
- C. Variances: To hear and decide applications for variances from the terms of this ordinance.

**9.3. Procedure for authorizing special exceptions** The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

- A. Application: An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.
- B. Criteria for Review: Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provisions and arrangements have been made concerning all the following where applicable:
  - 1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - 2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
  - 3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
  - 4. Utilities, with reference to locations, availability, and compatibility.

5. Screening and buffering with reference to type, dimensions and character.
  6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
  7. Required yard and other open space.
  8. General compatibility with adjacent properties and other property in the district.
- C. Restrictions: In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

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

- A. Application: After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.
- B. Fee: A fee established by the Town of Pegasus shall be payable to the Town of Pegasus to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.
- C. Hearings: Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.
- D. Standards for Variances: In granting a variance, the Board shall ascertain that the following criteria are met:
  1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
  2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
  4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
  5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.
- E. Validity of Plans: All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.
- F. Time Limit: All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

**9.5 Absolute Minimum Lot Size** In no case shall the Building Inspector, Planning Commission, or Board of Zoning Appeals permit any zone lot in a residential district to be used as a building sit which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) ft.