

MADISONVILLE, TENNESSEE

# ZONING CODE

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MADISONVILLE, TENNESSEE

**April 2020**

Zoning Code of Madisonville, Tennessee codified and amended and printed to include amendments through April 2020.

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## CHAPTER 2

### ZONING CODE

#### SECTION

#### 11-201. ZONING CODE AND ZONING MAP.

#### 11-202. PURPOSE OF ZONING CODE.

#### 11-203. DEFINITIONS.

**11-201. Zoning code and zoning map .** Title 11, Chapters 2 through 8, inclusive, of this code shall be known as the zoning code. The city is hereby divided into zones or districts, as shown on the official zoning map of entitled “Zoning Map of Madisonville, Tennessee” which is referred to in this code as the zoning map, and is hereby adopted by reference and is declared to be a part of this code.

**11-202. Purpose of zoning code.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

**11-203. Definitions.** For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the zoning code. Terms not herein defined shall have the meaning customarily assigned to them.

*Accessory Building:* A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

*Accessory Use:* A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

*Agriculture Use:* This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forests, and woods, provided, however, all health ordinances of Madisonville are complied with.

*Alley:* A minor right-of-way, dedicated to public use, which affords a means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

*Area, Building:* The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

*Assisted Living Facility:* Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may also provide other services, such as recreational activities and transportation.

*Automobile Wrecking:* The dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.

*Automobile Wrecking, Junk, and Salvage Yard.* Any lot or place which is exposed to the weather and upon which more than five (5) 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.

*Bed and Breakfast Establishment:* A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4), but no more than twelve (12), guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

*Bed and Breakfast Homestay:* A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

*Billboard:* A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the billboard is located. Also referred to as Off-Premise Outdoor Advertising.

*Buildable Area Of A Lot:* That portion of a lot bounded by the required rear yard, side yards, and the building setback lines.

*Building:* Any structure intended for shelter, housing or enclosure of persons, animals, or chattel, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or mobile.

*Building, Main or Principal:* 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 of the lot on which it is situated.

*Building Setback Line:* A line delineating the minimum allowable distance between the property line and on a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

*Building Setback Line, Front:* A line delineating the minimum allowable distance between the street right-of-way or of an official future street right-of-way line, and the front of a full width of the lot and is parallel to or concentric with the street right-of-way.

*Building Setback Line, Rear:* 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.

*Building Setback Line, Side:* A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

*Business Services:* Any activity conducted for gain which renders services primarily to other commercial enterprises, or which services and/or repairs appliances and machines used in a home or business.

*Cultural Facilities:* Establishments relating to cultural, historic, educational, or natural interests, such as theaters, museums, art galleries, libraries, and other such similar facilities as determined by the Board of Zoning Appeals.

*Day Care Center:* A State of Tennessee licensed establishment which provides for the care, supervision, protection, and basic needs of children for less than 24-hour periods.

*Dwelling:* A building or portion thereof, used for residential purposes.

*Dwelling, Multiple:* A building designed for occupancy by two (2) or more families living independently of each other.

*Dwelling Unit:* One (1) or more rooms and a single kitchen designed as a unit for occupancy by only one (1) family for cooking, living, and sleeping purposes.

*General Offices:* A room or group of rooms used for conducting the affairs of a business, dental, government, medical, or professional.

*Ground/Pole Sign:* Any sign erected on a free-standing frame, pole(s), or posts(s) and not attached to any building. Such signs may be two-sided provided that both sides cannot be seen simultaneously from any point. Such signs may have changeable copy.

*Group Home:* A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, also provides some combination of personal care, social or counseling services, limited medical services, and transportation.

*Height of Building:* The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

*Home Occupations:* Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

*Hotel:* An establishment providing sleeping accommodations to the general public with rooms having access to indoor hallways.

*Junkyard of Salvage Yard.* 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.

*Loading Space.* A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck or other vehicle.

*Lot:* A piece, parcel or plot of land in one (1) ownership, which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory building including the open spaces required under this ordinance.

*Lot, Lines:* The boundary dividing a given lot from the streets, an alley, or adjacent lots.

*Lot of Record:* 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.

*Medical Facilities:* Hospitals, specialized treatment facilities, surgical centers, 24-hour emergency centers, and other similar facilities that provide for medical care outside a standard doctor's office.

*Mental Health Related Facilities:* See Group Home.

*Minimum Floor Elevation:* The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

*Mobile Home (Trailer).* A structural unit which may be designed for a dwelling, business, or commercial use at either a permanent location or for periodic movement from one (1) location to another. Physical characteristics include rectangular shape, metal siding, steel beams, and the capacity for wheels, axles, and trailer hitch.

*Mobile Home or Trailer Park:* 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 equipment thereof.

*Motel:* An establishment providing sleeping accommodations to the general public with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

*Non-conforming Use:* A building, structure, or use of land existing at the time of enactment of the zoning code which does not conform to the regulation of the district in which it is situated.

*Noxious Matter:* Material (in gaseous, liquid, solid, particulate, or any other 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.

*One-Time Event Sign:* Any sign which notifies or advertises an event, such as an election, property sale, merchandise sale, revival, grand opening, or other similar short-term, temporary events.

*Open Space:* 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 the zoning code. Open space lines shall coincide with or be parallel to building setback lines of the same lot.

*Parking Lot:* An off-street facility including parking spaces along with adequate provisions for drives and aisles, for maneuvering and getting access, and for entrance and exit, designed so as to be usable.



*Parking Space:* An off-street space available for parking one (1) motor vehicle and having direct access to a street or alley.

*Personal Services:* Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services include: barber, beautician, shoe repair, seamstress/tailor, laundry and dry cleaning, health clubs, and other similar activities as determined by the Board of Zoning Appeals.

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

*Public Utilities:* A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for public health, safety, and welfare. A public utility shall include such structures as pump stations, lift stations, and other similar facilities. It shall not include buildings, storage areas, warehousing areas, or warehousing facilities.

*Residential Treatment Facilities:* See Group Home.

*Sign, or Other Advertising Device:* Any display, graphic, image, device, structure, or structure extension, to include banners and other attractions created by electronics, lasers, construction, sculpturing, painting, or other means, that has as its primary function and intent, purpose, or effect, the identification of an activity, event, product, or person, and, the attraction of public attention to, or the promotion of such service, facility, place, product, person, or business, whether for profit or not.

*Short-Term Rental Unit:* A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days. Does not include a bed and breakfast homestay, a bed and breakfast establishment, a hotel, or a motel.

*Story:* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building 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 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 its ceiling is more than five (5) feet above the level from which the "height of a building" is measured or if it is used for residential or commercial purposes.

*Street.* A public or private thoroughfare which affords the principal means of access to abutting property.

*Structure:* 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.

*Swimming Pools:* An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet.

*Travel Trailer:* A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.

*Travel Trailer Park:* A plot of land designed and equipped to accommodate travel trailers for short periods of time.

*Use:* 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.

*Wall Sign:* Any sign fastened to or painted on a wall or a building in such a manner that the wall becomes the supporting structure for the sign.

## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

- 11-301. Zoning Map**
- 11-302. Interpretation of District Boundaries**
- 11-303. Application of District Boundaries**
- 11-304. Classification of Districts**
- 11-305. R-1 Low Density Residential District**
- 11-306. R-2 High Density Residential District**
- 11-307. C-1 Local Business District**
- 11-308. C-2 Central Business**
- 11-309. C-3 Highway Business District**
- 11-310. M-1 Industrial District**

**11-301. Zoning Map.** The city is hereby divided into zones, or districts, as shown on the official zoning map and declared to be dated with the effective date of the code that adopts the zoning map or zoning map amendment. Changes to the official zoning map shall be entered on the map promptly after the amendment has been approved by the Madisonville Board of Aldermen. Certified prints of the zoning or zoning map amendments shall be maintained in the office of the city recorder of Madisonville, Tennessee and shall be available for inspection by the public at all reasonable times, as long as this code remains in effect. The official “Zoning Map of Madisonville, Tennessee” shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the city.

**11-302. Interpretation of District Boundaries.** Unless otherwise indicated, boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines. Boundaries which are indicated as approximately following platted lot lines shall be construed as following lot lines. Boundaries which are indicated as approximately following city limits shall be construed as following such city limit. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks. Boundaries which are indicated as approximately following the center lines of streams, rivers, and lakes, shall be construed to follow such center lines.

Distances not specifically indicated on the official zoning map shall be determined by the scale of the map. Questions concerning the exact locations of district boundaries shall be resolved by the Board of Zoning Appeals.

Where a district boundary divides a lot existing at the time the zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portions of said lot as is not more than twenty (20) feet within the more restricted district.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on that street in that block. It is the

purpose of the ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property of other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning code shall be observed.

**11-303. Application of District Regulations.** The regulations set by this code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which is located. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open space; than herein required. Uses not expressly permitted are prohibited.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking and loading space similarly required for any other building. No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by this code.

**11-304. Classification of Districts.** For the purpose of this code, the City of Madisonville, Tennessee, is hereby divided into six (6) classes of districts as follows:

Zoning District	District Abbreviation
Low Density Residential	R-1
High Density Residential	R-2
Local Business District	C-1
Central Business District	C-2
Highway Business District	C-3
Industrial District	M-1

**11-305. R-1, Low Density Residential District.** The purpose of the R-1, Low Density Residential District is to provide for lower density single and two-family residential options. Within the R-1, Low Density Residential District, as shown on the Zoning Map of Madisonville, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted.
  - a. Single family and two-family dwellings.
  - b. Agricultural uses

- c. Customary accessory uses and buildings.
  - d. Customary home occupations, provided the conditions in Section 11-402 are met.
  - e. Public parks.
  - f. Public schools.
  - g. Churches and other places of worship, provided buildings are set back a minimum of forty (40) feet from all property lines and parking lots are set back a minimum of fifteen (15) feet from all property lines. A site plan, per Section 11-418, shall be submitted to the planning commission.
  - h. Cemeteries, provided the conditions in Section 11-412 are met.
  - i. Golf courses, provided buildings are set back a minimum of forty (40) feet from all property lines and parking lots are set back a minimum of fifteen (15) feet from all property lines. A site plan, per Section 11-418, shall be submitted to the planning commission.
  - j. Bed and Breakfast Homestays, provided parking lots are set back a minimum of ten (10) feet from all property lines. A site plan, per Section 11-419, shall be submitted to the planning commission.
  - k. Public utilities (but not buildings, offices, storage areas, or warehousing facilities).
2. Lot and Area Regulations. The minimum lot size and the principal building location shall comply with the following requirements:
- a. Minimum lot area for single family dwelling without public sewer: 20,000 square feet
  - b. Minimum lot area for single family dwelling with public sewer: 10,000 square feet
  - c. Minimum additional lot area for 2<sup>nd</sup> family dwelling without public sewer: 20,000 square feet
  - d. Minimum additional lot area for 2<sup>nd</sup> family dwelling with public sewer: 5,000 square feet
  - e. Minimum lot width at front building setback line: 75 feet
  - f. Minimum depth of front yard: 30 feet
  - g. Minimum depth of rear yard: 25 feet
  - h. Minimum width of side yard: 15 feet
3. Height. No building shall exceed three (3) stories or thirty-five (35) feet in height.

4. **Building Area.** On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed forty (40) percent of the total area of such lot.
5. **Location of Accessory Buildings.** No accessory building shall be erected in any front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall not be located less than five (5) feet from any property line or any principal building on the same lot.

**11-306. R-2, High Density Residential District.** The purpose of the R-2, High Density Residential District is to provide for both lower and higher density residential options. This district is particularly suitable for areas near business districts and areas which are served by public water and sewer facilities. Within the R-2, High Density Residential District, as shown on the Zoning Map of Madisonville, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. **Uses Permitted**
  - a. Single and two-family dwellings.
  - b. Multiple family dwellings, provided such facilities comply with the following requirements:
    - 1) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide paved or gravel shoulders;
    - 2) All buildings shall be set back a minimum of thirty (30) feet from all property lines;
    - 3) There shall be a minimum distance of twenty (20) feet between buildings;
    - 4) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
    - 5) The complex shall be connected to public water and public sewer; and
    - 6) A site plan, per Section 11-418, shall be submitted to the planning commission.
  - c. Mobile home parks, provided the conditions in Section 11-409 are met.
  - d. Customary accessory uses and buildings.
  - e. Customary home occupations, provided the conditions in Section 11-402 are met.
  - f. Churches and other places of worship, provided buildings are set back a minimum of thirty (30) feet from all property lines and parking lots are set back a minimum of ten (10) feet from all property lines. A site plan, per Section 11-418, shall be submitted to the planning commission.

- g. Nursing homes, assisted living facilities, group homes, residential treatment facilities, and mental health related facilities, provided such facilities comply with the following requirements:
  - 1) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide paved or gravel shoulders;
  - 2) All buildings shall be set back a minimum of thirty (30) feet from all property lines;
  - 3) There shall be a minimum distance of twenty (20) feet between buildings;
  - 4) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
  - 5) All facilities shall be connected to public water and public sewer; and
  - 6) A site plan, per Section 11-418, shall be submitted to the planning commission.
- h. Day care centers, provided such facilities comply with the following requirements:
  - 1) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide paved or gravel shoulders;
  - 2) All buildings shall be set back a minimum of thirty (30) feet from all property lines;
  - 3) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
  - 4) A fenced outdoor usable play space area of not less than fifty (50) square feet of space per child shall be provided. Such fenced area shall be set back a minimum of thirty (30) feet from all front property lines and ten (10) feet from all side and rear property lines; and
  - 5) A site plan, per Section 11-418, shall be submitted to the planning commission.
- i. Cemeteries, provided the conditions in Section 11-412 are met.
- j. Golf courses, provided buildings are set back a minimum of thirty (30) feet from all property lines and parking lots are set back a minimum of ten (10) feet from all property lines. A site plan, per Section 11-418, shall be submitted to the planning commission.
- k. Bed and Breakfast Establishments and Bed and Breakfast Homestays, provided parking lots are set back a minimum of ten (10) feet from all property lines. A site plan, per Section 11-418, shall be submitted to the planning commission.

- l. Short-Term Rental Units, provided an annual permit is obtained from the City of Madisonville.
  - m. Public parks.
  - n. Public schools.
  - o. Telecommunication towers, provided the conditions in Section 11-417 are met.
  - p. Public utilities (but not buildings, offices, storage areas, or warehousing facilities).
2. Lot Area Regulations. The minimum lot size and the principal building location shall comply with the following requirements:
- a. Minimum lot area for single family dwelling without public sewer: 20,000 square feet
  - b. Minimum lot area for single family dwelling with public sewer: 9,000 square feet
  - c. Minimum additional lot area for 2<sup>nd</sup> family dwelling without public sewer: 20,000 square feet
  - d. Minimum additional lot area for 2<sup>nd</sup> family dwelling with public sewer: 3,000 square feet
  - e. Minimum additional lot area for each additional family dwelling after 2<sup>nd</sup> family dwelling with public sewer: 3,000 square feet
  - f. Minimum lot width at front building setback line: 75 feet
  - g. Minimum depth of front yard: 30 feet
  - h. Minimum depth of rear yard: 15 feet
  - i. Minimum width of side yard:
    - One-story building: 12 feet
    - Two-story building: 12 feet
    - Three-story building: 15 feet
3. Height. No building shall exceed three (3) stories or thirty-five (35) feet in height.
4. Building Area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot.
5. Location of Accessory Buildings: No accessory building shall be erected in any front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall not be located less than five (5) feet from any property line or any principal building on the same lot.



**11-307. C-1, Local Business District.** The purpose of the C-1, Local Business District is to provide for certain small-scale commercial oriented uses that serve the surrounding neighborhoods. Within the C-1, Local Business District, as shown on the Zoning Map of Madisonville, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted.
  - a. Small scale retail sales, provided there is no outdoor sales or storage.
  - b. Indoor eating and drinking establishments.
  - c. Gasoline service stations, provided the conditions in Section 11-407 are met.
  - d. General offices.
  - e. Personal services.
  - f. Churches and other places of worship.
  - g. Day care centers.
  - h. Public utilities (but not buildings, offices, storage areas, or warehousing facilities).
2. Area Regulations. Building location(s) shall comply with the following requirements:
  - a. Minimum depth of front yard: 25 feet
  - b. Minimum depth of rear yard: 20 feet
  - c. Minimum width of side yard: 10 feet
  - d. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side and rear yard setback requirements of the adjacent residential district on the side or rear adjoining the residential district.
3. Height. No building shall exceed three (3) stories or thirty-five (35) feet in height.

**11-308. C-2, Central Business District.** The purpose of the C-2, Central Business District is to protect and improve Madisonville's traditional downtown by permitting the concentrated development of general commercial type activities. Within the C-2, Central Business District, as shown on the zoning map of Madisonville, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted.
  - a. Small scale retail sales, provided there is no outdoor sales or storage. Sidewalk sales permitted.

- b. Financial institutions.
  - c. General offices.
  - d. Indoor eating and drinking establishments, outdoor seating permitted.
  - e. Cultural facilities.
  - f. Indoor recreation facilities.
  - g. Parking lots and parking garages.
  - h. Hotels.
  - i. Churches and other places of worship.
  - j. Philanthropic institutions, clubs, and lodges.
  - k. Public utilities (but not buildings, offices, storage areas, or warehousing facilities).
2. Height. No building shall exceed three (3) stories or thirty-five (35) feet in height.

**11-309. C-3, Highway Business District.** The purpose of the C-3, Highway Business District is to provide for commercial activities along the major collector and arterial highways leading into the heart of the city. The intent of this district, however, is to encourage concentrations of general commercial activities rather than an extensive strip of commercial development along such highways. In addition, it is the goal and intent to preserve the traffic-carrying capacity of these major collectors and arterials. Within the C-3, Highway Business District, as shown on the Zoning Map of Madisonville, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

- 1. Uses Permitted.
  - a. Retail sales.
  - b. Eating and drinking establishments.
  - c. Hotels, motels, and other overnight lodging establishments.
  - d. Business services.
  - e. Personal services.
  - f. General offices.
  - g. Financial institutions.

- h. Medical facilities.
- i. Day care centers.
- j. Funeral homes and mortuaries.
- k. Automobile, truck, and boat repair services.
- l. Gasoline service stations, provided the conditions in Section 11-407 are met.
- m. Self Service Storage Facilities (Mini-Warehouses).
- n. Wholesale and distributing centers not involving more than five thousand (5,000) square feet for storage of wares to be wholesaled or distributed.
- o. Parking lots and parking garages.
- p. Cultural facilities.
- q. Recreation Facilities.
- r. Churches and other places of worship.
- s. Cemeteries, provided the conditions in Section 11-412 are met.
- t. Philanthropic institutions, clubs, and lodges.
- u. Group Homes, Residential Treatment Facilities, and Mental Health Related Facilities.
- v. Nursing Homes and Assisted Living Facilities.
- w. Travel trailer parks, provided the conditions in Section 11-410 are met and that such parks comply with the following requirements:
  - 1) All travel trailer sites shall meet the minimum building setback requirements;
  - 2) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
  - 3) A minimum of twenty-five (25) percent of the gross land area of the site shall be reserved as functional open space for the enjoyment of visitors of the park; and
  - 4) A site plan, per Section 11-418, shall be submitted to the planning commission.
- x. Telecommunication towers, provided the conditions in Section 11-417 are met.

- y. Public utilities and associated buildings, storage areas, warehousing areas, and warehousing facilities.
2. Area Regulations. Building location(s) shall comply with the following requirements:
- a. Minimum depth of front yard: 35 feet
  - b. Minimum depth of rear yard: 20 feet
  - c. Minimum width of side yard: 10 feet
  - d. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side and rear yard setback requirements of the adjacent residential district on the side or rear adjoining the residential district.
3. Height. No building shall exceed three (3) stories or thirty-five (35) feet in height.

**11-310. M-1, Industrial District.** The purpose of the M-1, Industrial District, is to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally require good accessibility to major rail or highway transportation routes. Such activities may have certain adverse effects upon surrounding properties and may, in some instances, not be compatible with various other zoning districts or other types of land use activities in the community. Within the M-1, Industrial District, as shown on the Zoning Map of Madisonville, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Permitted Uses.
- a. Industry related offices.
  - b. Agricultural implement sales and service repair.
  - c. Equipment and machinery sales and service repair.
  - d. Automobile and truck sales and service repair.
  - e. Wholesale trade.
  - f. Gasoline service stations, provided the conditions in Section 11-407 are met.
  - g. Animal shelters.
  - h. Commercial laundry and dry-cleaning facilities.
  - i. Building materials and lumber yards.
  - j. Warehousing and storage facilities.

- k. Distribution centers.
  - l. Freight or truck yards or terminals.
  - m. Tank storage of bulk oil and gasoline and the mixture or bulk storage of illuminating or heating gas, subject to the proper precautions as to location or prevention of fire and explosion hazards.
  - n. Any manufacturing, processing, assembling, or fabricating plants not causing noxious fumes, odors, smoke, dust, gas, noise, vibration, and other similar negative externalities. Such uses shall also not pose a danger due to potential explosions, threat of fire, or poisonous fumes.
  - o. Telecommunication towers.
  - p. Convenience centers.
  - q. Public utilities and associated buildings, storage areas, warehousing areas, and warehousing facilities.
2. Uses Permitted on Review.
- a. Lots or yards for scrap or salvage operations
  - b. Lots or yards for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, wrecked automobiles, second-hand automobile parks, and salvage yards and junk yards.
- The Board of Zoning Appeals may impose conditions and safeguards on the above uses to protect the interests of nearby land uses, public health, safety, and welfare.
3. Area Regulations. Building location(s) shall comply with the following requirements:
- a. Minimum depth of front yard: 20 feet
  - b. Minimum depth of rear yard: 20 feet
  - c. Minimum depth of side yard: 20 feet
  - d. Minimum width of yard abutting railroad tracks: 0 feet
  - e. Minimum width of yard abutting residentially zoned land: 100 feet

## CHAPTER 4

### SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

#### SECTION

- 11-401. Access Control
- 11-402. Customary Home Occupations
- 11-403. Off-Street Parking Regulations
- 11-404. Off-Street Loading and Unloading Space Requirements
- 11-405. General Lot Restrictions
- 11-406. Visibility at Intersections
- 11-407. Gasoline Service Station Restrictions
- 11-408. Signs, Billboards, and Other Advertising Structures
- 11-409. Mobile Homes and Mobile Home Parks
- 11-410. Travel Trailers
- 11-411. Standards for Automobile Wrecking, Junk, and Salvage Yards
- 11-412. Standards for Cemeteries
- 11-413. Height Regulations
- 11-414. Swimming Pools
- 11-415. Temporary Uses Regulations
- 11-416. Planned Unit Development (PUD) Regulations
- 11-417. Telecommunications Towers
- 11-418. Site Plan Requirements
- 11-419. Storm Water Detention Standards

**11-401. Access Control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. Points of access for vehicles onto a street shall not exceed thirty (30) feet in width, nor shall any point of access be allowed within ten (10) feet of the right-of-way line of any public intersection.
2. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage or fraction thereof, and the two (2) points shall have clear distance between them of not less than twenty-five (25) feet; provided, however, that lots less than eighty (80) feet wide shall have no more than one point of access to any one public street.
3. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department. In the case of a state highway, a permit must be obtained from the Tennessee Department of Highways. No curb cut shall be established for automobile storage or parking space which would require that vehicles back directly into a public street.

**11-402. Customary Home Occupations.** The home occupation is intended to permit home based employment and entrepreneurship opportunities which do not alter or impact the residential character of the district. The home occupation is intended to be flexible, granting the resident(s) the opportunity to conduct a business or service on the property, provided such activity does not infringe upon individual rights of neighbors or property values within the area. Changing technologies and economic/social trends make identification of all conceivable occupations impractical. The primary use of the property shall be residential. The following conditions shall apply to all home occupations:

1. No person other than household members residing on the premises shall be engaged in such home occupation.
2. If conducting a home occupation, a business license and a home occupation permit shall be obtained from the City of Madisonville.
3. Space devoted to home occupations shall not exceed twenty percent (20%) or a maximum of six hundred (600) square feet of the dwelling unit, whichever is less.
4. No home occupation shall be conducted in any accessory building or garage;
5. No alteration to any building shall indicate from the exterior that the building is being used for other than residential purposes.
6. No articles, materials, good, or equipment indicative of the home occupation shall be visible from any public street or adjacent properties.
7. Outdoor storage is prohibited.
8. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Off street parking shall be provided.
9. The use shall not increase noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.
10. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes electrical fluctuations in the line voltage off the premises.
11. The home occupation shall not increase the type or volume of solid waste for at-curb disposal beyond that which is otherwise typical for a residence.

#### **11-403. Off-Street Parking Regulations.**

1. Number of parking spaces required.

In all districts, except the C-2 Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned in this section, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

- a. *Assisted living facilities.* One (1) parking space for each employee per shift plus one (1) parking space for each four (4) residential units.

- b. *Automobile/truck repair shop*. One (1) space per two-hundred and fifty (250) square feet of gross floor area.
- c. *Business Services*. One (1) space per two hundred and fifty (250) square feet of gross floor area.
- d. *Churches*. One (1) space per four (4) seats.
- e. *Commercial/general retail/shopping centers*. One (1) space per two-hundred and fifty (250) square feet of gross floor area.
- f. *Cultural Facilities*. One (1) space per two hundred and fifty (250) square feet of gross floor area.
- g. *Day Care Centers*. One (1) per employee plus one (1) per twenty-five (25) children.
- h. *Dwellings, single and two-family*. Two (2) spaces per dwelling unit.
- i. *Dwellings, multi-family*. One and one-half (1 ½) spaces per dwelling unit.
- j. *Funeral home/mortuaries*. One (1) space per four (4) seats.
- k. *Gasoline/Mini-Mart Station*. One (1) space at each gas pump plus one (1) space per two-hundred and fifty (250) square feet of gross floor area.
- l. *General Offices*. One (1) space per two hundred and fifty (250) square feet of gross floor area.
- m. *Group Homes/Residential Treatment Facilities/Mental Health Related Facilities*. One (1) parking space for each employee per shift plus one (1) parking space per three (3) beds.
- n. *Hotels/Motels/Bed and Breakfast Homestays and Establishments/Other Overnight Lodging Establishments*. One (1) space per one (1) room or suite.
- o. *Handicapped/accessible parking spaces*. The number of handicapped/accessible parking spaces shall be provided as per ANSI A117.1, Standard for Accessible and Usable Buildings and Facilities [American National Standards Institute].
- p. *Home occupations*. Each home occupation shall be reviewed by the Board of Zoning Appeals to determine the minimum number of parking spaces needed for the particular use.
- q. *Manufacturing or other industrial use*. One (1) space for each three (3) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces.
- r. *Medical facilities*. One (1) space per three (3) patient beds.



- s. *Nursing homes*. One (1) parking space for each employee per shift plus one (1) parking space per five (5) beds.
- t. *Personal Services*. One (1) space per two hundred and fifty (250) square feet of gross floor area.
- u. *Private clubs or lodges*. One (1) space per three (3) members based on design capacity of facility.
- v. *Restaurants*. One (1) space per one hundred (100) square feet of gross floor area.
- w. *Short-Term Rental Units*. Four (4) spaces per dwelling unit.

2. Minimum parking lot site design

To provide for orderly, safe, and systematic circulation within parking areas, off-street parking areas shall meet the following general requirements:

- a. Except for parcels of land devoted to one (1) and two (2) family 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. All parking lots shall be designed so as to eliminate surface water ponding and shall be drained without contributing to drainage problems on adjoining property.
- c. Parking Spaces

Each parking space shall be a minimum of ten (10) feet in width and nineteen (19) feet in length.

Each handicapped/accessible parking space shall be a minimum of eight (8) feet in width and nineteen (19) feet in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five (5) feet in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight (8) feet in width.

Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance(s).

d. Minimum width of aisle and back-up areas

Minimum width of parking lot aisles shall be as follows:

- 1. 90 degree parking – 25 feet
- 2. 60 degree parking – 18 feet (25 feet for two-way aisle)

3. 45 degree parking – 13 feet (25 feet for two-way aisle)
4. 30 degree parking – 12 feet (25 feet for two-way aisle)

Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten (10) feet in length.

- e. The storage lane for a drive-thru window shall be of adequate length to accommodate the storage of a minimum of eight (8) cars from the ordering station.
  - f. Parking lots shall be set back a minimum of five (5) feet from all front, side, and rear property lines. Such areas shall be retained as permanent green space.
  - g. A landscaped island a minimum of five (5) feet in width shall be provided at the ends of each parking row. Such islands shall extend the full length of the parking space(s).
3. Combination of required parking spaces.

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4. Remote parking spaces.

If the off-street parking space cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

5. Certification of minimum parking requirements.

Each application for a building permit for single and two-family dwelling shall include information as to the location and dimensions of off-street parking. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

**11-404. Off-Street Loading and Unloading Space Requirements.** To ensure adequate service access for the loading and unloading of delivery vehicles, every building or structure constructed and used for industry or commercial shall provide space for the loading and unloading of such vehicles off the street or public alley. Such space shall be shown on the site plan.

#### **11-405. General Lot Restrictions**

1. In any non-residential zoning district, more than one (1) structure housing a permitted or permissible use may be erected on a single lot, provided that yard and other requirements

of this ordinance shall be met for each structure as though it were on an individual lot. In general, within the R-1 and R-2 residential districts only one principal building shall be allowed per lot. However, the latter requirements shall not apply to group housing projects (Section 11-416), nor to the placement of a mobile or manufactured home as a temporary, additional dwelling for the care of an ill relative.

- a. In the case of a request to place a mobile or manufactured home on a lot for the temporary use of the caretaker of an ill relative, and where such a lot has one or more existing dwelling(s), the following conditions must be met:
  1. The procedure described in Section 11-703, Procedure for Authorizing Use Permitted on Review shall be followed.
  2. There must be a relationship of blood or marriage between the caretaker and the ill person to whom care is given.
  3. Medical confirmation must be provided to the Board of Zoning Appeals noting the nature of the illness requiring the residence of a caretaker on the site.
  4. Approval by the Board of Zoning Appeals shall be limited to a period of one year, although the board may approve the continuation of the caretaker dwelling at one-year intervals, subject to the provisions of Section 11-703.
2. No building shall be erected on a lot which does not abut at least one (1) street for a distance of twenty-five (25) feet. Such building shall conform to the lot and yard requirements of the district in which it is located.

**11-406. Visibility at Intersections.** On a corner lot not in the Central Business District, nothing shall be erected, placed planted, or allowed to grow in such a manner as materially to impede vision between a height of three and one-half (3-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines seventy-five (75) feet from the point of the intersection.

**11-407. Gasoline Service Station Restrictions.** The following regulations shall apply to gasoline service stations:

1. 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.
2. Gasoline pumps or islands shall not be located closer than fifteen (15) feet to any street right-of-way.
3. Sign requirements as established in Section 11-408 shall be met.

**11-408. Signs and Billboards.** The purpose of these sign regulations is to balance the need of communication with the need to minimize traffic hazards, reduce clutter, and improve community appearance. The regulations for signs and billboards are enumerated below:

1. **General Provisions.** All signs and billboards erected, replaced, reconstructed, expanded, or relocated on any property within the city shall conform with the provisions of this section.

- a. All signs erected, constructed, or placed in any district shall conform to the adopted building codes and if serviced by electrical power, shall conform to the National Electrical Code. Electrical materials and devices used on such signs shall bear the U.L. Label.
  - b. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
  - c. With the exception of One-Time Event Signs, all signs shall obtain a sign permit from the City of Madisonville.
  - d. The area for all wall signs shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, or equilateral triangle around the sign. The text and other graphics do not have to be physically, visually, or topically connected.
  - e. The area for all pole and ground signs shall be the entire face of the sign, including the advertising surface and any framing, trim, or molding but not including the supporting structures.
  - f. When an entity is no longer in operation, the associated sign(s) shall be removed.
2. Residential Districts. In addition to meeting the General Provisions of this section, all signs within the R-1 Low Density Residential District and the R-2 High Density Residential District shall conform with the following provisions.
- a. Any activity lawfully conducted on the premises shall be permitted one (1) non-illuminated sign up to two (2) square feet in area.
  - b. Uses Permitted on Review shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign up to thirty-two (32) square feet in area. Such sign shall not exceed ten (10) feet in height and shall be set back a minimum of ten (10) feet from all property lines.
  - c. Uses Permitted on Review shall be permitted one (1) non-illuminated or internally illuminated wall sign. Such wall sign may have up to one-half (1/2) square feet of sign area per each linear foot of building wall on which the sign is mounted.
  - d. Residential neighborhoods shall be permitted one (1) non-illuminated ground or pole sign per neighborhood entrance. Such sign may be up to fifty (50) square feet in area, shall not exceed ten (10) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
3. Local Business District. In addition to meeting the General Provisions of this section, all signs within the C-1 Local Business District shall conform with the following provisions.
- a. Freestanding entities shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign. Such sign may be up to fifty (50) square feet in area, shall not

exceed fifteen (15) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.

- b. Multiple use buildings shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign. Such sign may be up to fifty (50) square feet in area, shall not exceed fifteen (15) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
  - c. Freestanding entities shall be permitted one (1) non-illuminated or internally illuminated wall sign per road frontage. Such sign(s) may have up to one (1) square feet of sign area per each linear foot of building wall upon which the sign is mounted.
  - d. Tenants within a multiple use building shall be permitted one (1) non-illuminated or internally illuminated wall sign per road frontage. Such sign(s) may have up to one (1) square feet of sign area per each linear foot of building wall of tenant space upon which the sign is mounted.
4. Central Business District. In addition to meeting the General Provisions of this section, all signs within the C-2 Central Business District shall conform with the following provisions.
- a. Freestanding entities shall be permitted one (1) non-illuminated or internally illuminated wall sign. Such sign may have up to one (1) square feet of sign area per each linear foot of building wall upon which the sign is mounted.
  - b. Tenants within a multiple use building or within an attached building shall be permitted one (1) non-illuminated or internally illuminated wall sign. Such sign may have up to one (1) square feet of sign area per each linear foot of building wall of tenant space upon which the sign is mounted.
5. Highway Business District. In addition to meeting the General Provisions of this section, all signs within the C-3 Highway Business District shall conform with the following provisions.
- a. Freestanding entities shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign. Such sign may be up to two hundred (200) square feet in area, shall not exceed thirty-five (35) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
  - b. Multiple use buildings shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign. Such sign may be up to two hundred (200) square feet in area, shall not exceed thirty-five (35) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
  - c. Freestanding entities shall be permitted any number of non-illuminated or internally illuminated wall signs per road frontage. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted.

The total area of such signs shall be one and one-half (1 ½) square feet of sign area per each linear foot of building wall upon which the sign(s) is/are mounted.

- d. Tenants within a multiple use building shall be permitted any number of non-illuminated or internally illuminated wall signs per road frontage. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one and one-half (1 ½) square feet of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.
6. Industrial District. In addition to meeting the General Provisions of this section, all signs within the M-1 Industrial District shall conform with the following provisions.
    - a. Freestanding entities shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign. Such sign may be up to one hundred (100) square feet in area, shall not exceed thirty-five (35) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
    - b. Multiple use buildings shall be permitted one (1) non-illuminated or internally illuminated ground or pole sign. Such sign may be up to one hundred (100) square feet in area, shall not exceed thirty-five (35) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
    - c. Freestanding entities shall be permitted one (1) non-illuminated or internally illuminated wall sign. Such sign may have up to one (1) square feet of sign area per each linear foot of building wall upon which the sign is mounted.
    - d. Tenants within a multiple use building shall be permitted one (1) non-illuminated or internally illuminated wall sign. Such sign may have up to one (1) square feet of sign area per each linear foot of building wall of tenant space upon which the sign is mounted.
    - e. Industrial parks shall be permitted one (1) non-illuminated ground or pole sign per park entrance. Such sign may be up to two hundred (200) square feet in area, shall not exceed ten (10) feet in height, and shall be set back a minimum of ten (10) feet from all property lines.
  7. One-Time Event Signs. In addition to meeting the General Provisions of this section, all one-time event signs shall conform with the following provisions.
    - a. One-time event signs are permitted in all zoning districts, on developed land, and on vacant land.
    - b. Such signs shall be a maximum of thirty-two (32) square feet, shall not exceed six (6) feet in height, shall be non-illuminated, and shall be affixed to the ground or a building.
    - c. Freestanding one-time event signs shall be set back from all property lines a minimum of ten (10) feet.

- d. One-time event signs shall be removed promptly after the completion of the event.
8. Billboards. In addition to meeting the General Provisions of this section, all billboards shall conform with the following provisions.
- a. Billboards are permitted within the C-3 Highway Business District.
  - b. Billboards shall not exceed one thousand five hundred (1,500) square feet in area, exceed thirty-five (35) feet in height, or exceed fifty (50) feet in length. The bottom of the billboard shall be a minimum of five (5) feet above the ground level.
  - c. Billboards shall meet the minimum building setbacks for the district in which they are located. In addition, billboards shall be set back a minimum of one hundred (100) feet from any residential district.
  - d. Internal illumination and changing sign faces are permitted provided the billboard has auto dimming which reduces the brightness after sunset.
  - e. No other billboard may be erected within a seven hundred and fifty (750) foot radius (determined by a straight line and not street distance) from the other billboard.

**11-409. Mobile Homes and Mobile Home Parks.** The following regulations shall apply to mobile homes and mobile home parks.

- 1. Single-wide mobile homes are not allowed on individual lots. Existing single-wide mobile homes on individual lots upon passing of this ordinance will be classified as non-conforming use structures as outlined in Chapter 5, Section 11-502 of the “Zoning Code-Madisonville, Tennessee.” Single-wide mobile homes are henceforth allowed only in approved mobile home parks as outlined in Section 11-409, subsection 2 of the “Zoning Code-Madisonville, Tennessee.”
- 2. Site and Lot Size Requirements for Mobile Home Parks.
  - a. No parcel of land containing less than ten (10) acres, nor less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
  - b. There shall not be less than nine thousand (9,000) square feet of lot area for each single-wide mobile home located in the park. No less than twelve thousand (12,000) square feet of park area shall be required for any other manufactured home (double-wide) located in the park.
- 3. Dimensional requirements.
  - a. Each mobile home space shall have a width of not less than twenty (20) feet plus the width of the mobile home unit, or a total width not less than forty (40) feet; whichever is greater.
  - b. Minimum space depth with side or street parking must be greater than or equal to the length of the mobile home plus twenty (20) feet, but not less than one hundred and twenty-five (125) feet.

- c. There shall be at least twenty (20) feet clearance between mobile homes which are parked on an end-to-end basis; and no mobile home shall be parked closer than twenty (20) feet to any building, property line, or street edge.
4. Permit for Mobile Home Parks. No place or site within the city shall be established or maintained by any person, groups of persons, or corporation as a mobile home park unless he holds a valid permit issued by the building inspector in the name of such person or persons for the specific mobile home park. A building permit shall not be issued in a mobile home park being developed until the required infrastructure improvements are complete. The city building inspector is authorized to issue, suspend, or review permits in accordance with the provisions of this ordinance.
5. Existing Mobile Home Parks. Mobile home parks in existence as of the effective date of this ordinance shall be required to obtain a mobile home permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a non-conforming use; provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed thirty (30) days in which to comply with current mobile home park regulations, in all respects. Death of a husband or wife, or the divorce of husband and wife, shall not constitute a change of ownership unless a third party becomes the owner.
6. Inspections by the City Building Inspector. The city building inspector is hereby authorized and directed to make inspections to determine the conditions of mobile home parks, in order that he may perform his duty of safeguarding the health and general welfare of the public. The city building inspector shall have the power to enter at reasonable times upon any public or private property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.
7. Location and Planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply.
8. Water Supply. Where a public water supply is available it shall be used exclusively. Water shall be furnished at the minimum capacity of two hundred fifty (250) gallons per day per mobile home space. An individual water service connection shall be provided for each mobile home space.
9. Sewage Disposal. An adequate sewage disposal system must be provided and must be approved in writing by the county health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection, trapped below the front line and reaching the front line and reaching at least four (4) inches above the surface of the ground. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line, except where sewer and water lines are closer together the water line pipe shall be laid and placed within another pipe as required by other ordinances and/or regulations of the City of Madisonville or the Madisonville Utilities Board.

Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, individual septic tanks and subsurface soil absorption systems may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than five hundred (500) gallons working capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate shall be determined as outlined by the Tennessee Department of Public Health. No mobile home shall be placed over a soil absorption field.



In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used.

10. Refuse. The storage, collection, and disposal of refuse in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight, and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once a week.
11. Electricity. An electrical outlet supplying at least two hundred and twenty (220) volts shall be provided for each mobile home space and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulations No. 15, entitled, "Regulation Relating to Electrical Installations in the State of Tennessee" and shall satisfy all requirements of the Madisonville Utilities Board.
12. Streets. Minimum widths of various streets within mobile home parks shall be:

One-way, with no on-street parking	12 ft.
One-way, with parallel parking on one side only	20 ft.
One-way, with parallel parking on both sides	28 ft.
Two-way, with no on-street parking	20 ft.
Two-way, with parallel parking on one side only	28 ft.
Two-way, with parallel parking on both sides	36 ft.

All streets, roads, and alleys shall be graded by the developer so that street surfaces may be constructed to meet the required standards. Deviation from these standards due to topographical conditions will be allowed only with special approval of the planning commission. Before grading is begun, the entire roadway area shall be cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation. All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed.

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the necessary slopes.

After preparation of the subgrade, the roadbed shall be surfaced with crushed rock, stone, or gravel. The size of the crushed rock or stone shall be that generally known as "crushed run stone" from two and one-half (2-1/2) inches down, including dust. Spreading of the stone shall be done uniformly over the area by means of appropriate spreading devices. After spreading the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches. After a thoroughly compacted base has been established, a prime coat shall be applied as follows:

Between April and November 15 at a temperature of 35 degrees or above, tar grade RT-2 or RT-1 inclusive or MC-1 or MC-2, shall be applied at the rate of four-tenths (4/10) gallon per square yard of base surface. The stone chips

graded from one-half (1/2) inch down to number eight (8) with no dust shall be applied at the rate of ten (10) to fifteen (15) pounds per square yard, rolled until thoroughly compacted and left to cure for such time as the city street commissioner or the county road superintendent may direct but not less than seven (7) days.

A wearing surface may not be required by the Board of Zoning Appeals. However, if the Board elects to require a wearing surface, it shall consist of one (1), two (2) inch thick compacted thickness coarse asphaltic concrete (plant mixed) surface treatment.

13. Buffer Strip. An evergreen buffer strip ten (10) feet in width, and at least six (6) feet in height within two (2) years of planting, may be required along all boundaries of the mobile home park. The plants composing the strip shall be arranged so that views of the mobile home park are obscured from surrounding streets and properties.
14. At least one recreational area shall be designated on the site of the mobile home park for the use of residents. No specific facilities shall be required in that area. The amount of space required for recreational purposes in a mobile home park shall be based on ten (10) percent of the total area of the development.
15. Application for Permit. Applications for a building permit shall be filed with and issued by the building inspector, subject to the approval of the Board of Zoning Appeals, in accordance to Section 11-703. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale and displaying the following information. No building permit for the location of a mobile home or manufactured home may be issued until the required park improvements have been completed by the developer.
  - a. The location and legal description of the proposed mobile home park.
  - b. Location and dimensions of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
  - c. The proposed use of buildings shown on the site.
  - d. The location and size of all mobile home spaces.
  - e. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
  - f. The location of all walls, fences, and screens and the indication of their height and the materials of construction.
  - h. The location and size of park and recreation areas.
  - i. The name and address of the applicant.
  - j. Such other architectural, engineering, and topographic data as may be required to permit the health officer, building inspector, and Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the plot plan.
  - k. 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.
  - l. Certification of approval of the sanitary sewer system by the county health officer.

**11-410. Travel Trailers.** Travel trailers may only be located in established travel trailer parks.

It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is neither temporarily or permanently occupied as a dwelling unit while within the city limits.

1. **Permit for Travel Trailer Park.** No place or site within the city shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless he holds a valid permit issued by the city building inspector in the name of such person or persons for the specific travel trailer park. The city building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.
2. **Inspections by City Building Inspector and County Health Officer.** The city building inspector and/or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The building inspector or health officer shall have the power to enter at reasonable times upon a private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.
3. **Length of Occupancy.** Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than thirty (30) days.
4. **Minimum Size of Travel Trailer Space.** Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet.
5. **Site Improvements.** Site planning improvements shall conform to the standards established in Regulations VI-XX of the State Regulations Governing the Construction, Operation, and Maintenance of Organized Camps in Tennessee, as provided in Chapter 65, Public Acts of 1965.
6. **Substitution Clause.** Article 2-103(1), through Article 2-102(6) of the Madisonville Municipal Code is hereby deleted and the above Section 11-410 is substituted therefor.

**11-411. Standards for Automobile Wrecking, Junk, and Salvage Yards.** The following standards shall be used as a guide in evaluating whether proposed land uses, such as salvage yards, junk yards, and similar uses, will have properly minimized their objectionable characteristics:

1. 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.
2. No automobile wrecking, junk, and salvage yard shall be permitted closer than three hundred (300) feet from any residential district.
3. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

4. No person shall own or maintain an automobile wrecking, junk or salvage yard within the City of Madisonville until he has secured approval from the Board of Zoning Appeals in accordance with Section 11-703.

**11-412. Standards for Cemeteries.**

1. The following development standards shall apply to all cemeteries.
  - a. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.
  - b. Any new cemetery shall be located on a site containing not less than ten (10) acres.
  - c. All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least (30) feet from any property line street right-of-way.
2. Proposals for cemeteries shall be reviewed by the Board of Zoning Appeals in accordance with the provisions of Section 11-703.

**11-413. Height Regulations.** The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**11-414. Swimming Pools.** No swimming pools or part thereof, excluding aprons and walks shall protrude into any required front or side open space.

The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good conditions.

Private swimming pools are permitted in the residential districts provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

**11-415. Temporary Use Regulations.** The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a temporary use permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

1. Carnival and Circus. May obtain a temporary use permit in the R-1, R-2, or C-3 districts; however, such permit shall be issued for a period of no longer than fifteen (15) days.
2. Christmas Tree Sales. May obtain a thirty (30) day temporary use permit for the display of Christmas trees on open lots in any district.
3. Temporary Buildings. In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for a six (6)

month extension. However, not more than three (3) extensions shall be granted a particular use. Such use shall be moved at the completion of the project or expiration date of the permit.

4. Religious Tent Meetings. In any district, except the M-1, Industrial District, a temporary use permit shall be issued for a tent or other temporary structure to house a religious meeting. Such permits shall not be issued for more than a thirty (30) day period.
5. Seasonal Sale of Farm Product. In any district, except M-1, Industrial District, a temporary use permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a ninety (90) day period and may be renewed one (1) time per calendar year. Minimum setback for all structures shall be thirty-five (35) feet.

#### **11-416. Planned Unit Development (PUD) Regulations.**

1. Planned unit developments are professionally designed residential, commercial, or industrial developments that contain two or more principal buildings, have common property, and are designed and developed to function as a unit. PUDs shall comply with the standards established in these regulations, however, the planning commission may consider deviations from the strict application of these regulations to achieve appropriate or desired design provided the intent of these regulations is not violated. PUDs shall comply with the appropriate district and other regulations of this ordinance and the standards established below.
2. Applicability. A PUD may be developed in any zoning district provided the uses permitted and density requirements of the district are met.
3. Minimum Site. All PUDs shall have sufficient space to accommodate the proposed project. The site shall not be smaller than the minimum lot size required for the district in which the project is to be located.
4. Building Location. Where feasible, the highest height and intensity of buildings and uses shall be toward the interior of the property. No building shall be located closer than twenty (20) feet to any other building nor closer than twenty-five (25) feet from any outer property line. All buildings shall also be set back twenty (20) feet from front property lines or thirty-five (35) feet from the road/drive if the property is not subdivided.
5. Road Standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Major Road Plan of Madisonville. All road and way improvements shall comply with the design and construction standards of the subdivision regulations regardless of whether they are to be public or private. However, slight adjustment to the standards may be permitted if the developer can show good cause and the intent and the spirit of the regulations are not compromised.
6. Utilities. All PUDs shall be served by public water and public sewer systems. Public water lines and fire hydrants shall be installed so that all lots/buildings are adequately served and are within five hundred (500) feet of a hydrant.

7. Landscaping and Open Space. All undeveloped property shall be maintained as open space. Landscaping shall be required for those areas adjacent to buildings, parking areas, and recreation facilities. Areas away from the developed property may be allowed to remain in a natural state.
8. Parking Requirements. Parking shall be required to meet the Off-Street Parking Regulations in section 11-403.
9. Drainage Plan. A drainage plan shall be required for any PUD to show how storm water will be handled. The planning commission may require that drainage facilities accommodate on-site retention of storm water if it appears that the public drainage system cannot handle the drainage or other properties would be adversely affected. In such cases, drainage facilities shall be designed and constructed to accommodate on-site retention of storm water to the predevelopment standards, based on a ten-year flood of twenty-four hour duration.
10. Density Requirements for a Residential PUD. The density (units per gross amount of property) shall not exceed the density for the district in which the PUD is located.
11. Signs. Signs shall conform with the requirements of section 11-408.
12. Plan Preparation and Review Process. Plan Preparation. All site plans and plats must be prepared and stamped by a surveyor licensed in the State of Tennessee. The scale shall not exceed 1" = 30'.
  - a. PUDs Requiring the Subdivision of Property. In PUDs in which property is subdivided, the following requirements shall apply.
    1. Preliminary PUD Plan/Preliminary Subdivision Plat. The planning commission shall be provided with a preliminary PUD plan and preliminary subdivision plat. The plan/plat shall include all information required for a preliminary subdivision plat, as identified in the subdivision regulations, plus detailed information regarding: building dimensions and locations, road/driveway design and locations, parking design, open space, recreation facilities, drainage facilities, utilities, landscaping, pedestrian walkways, mailbox and garbage collection stations, and any other information that the commission may require.
    2. Final PUD Plan/Final Subdivision Plat. Following approval of a preliminary PUD plan/preliminary subdivision plat, the developer shall submit a final PUD plan/final subdivision plat showing all information required for a final subdivision plat, as identified in the subdivision regulations, and final detailed information regarding: building dimensions and locations, road/driveway design and locations, parking design, open space, recreation facilities, drainage facilities, utilities, landscaping, pedestrian walkways, mailbox and garbage collection stations, and final legal documents of ownership and maintenance agreements pertaining to common property.

- b. PUDs Not Requiring the Subdivision of Property. In PUDs in which property is not to be subdivided, the following requirements shall apply.
  1. Preliminary PUD Plan. The planning commission shall be provided with a preliminary PUD plan. The plan shall show detailed information regarding: building dimensions and locations, road/driveway design and locations, parking design, open space, recreation facilities, drainage facilities, utilities, landscaping, pedestrian walkways, mailbox and garbage collection stations, and any other information that the commission may require.
  2. Final PUD Plan. Following approval of a preliminary PUD plan, the developer shall submit a final PUD plan showing all final information regarding: building dimensions and locations, road/driveway design and locations, parking design, open space, recreation facilities, drainage facilities, utilities, landscaping, pedestrian walkways, mailbox and garbage collection stations, and final legal documents of ownership pertaining to common property.
13. Administration Procedures. The developer may begin construction of the PUD after the preliminary PUD plan and the preliminary subdivision plat (if required) have been approved by the commission. Property can not be sold in the development until the final PUD plan and final subdivision plat (if applicable) have been approved by the commission. A bond or irrevocable letter of credit may be approved and retained by the commission to allow the sale of properties prior to completion of the development.

**11-417. Telecommunications Towers.** The requirements of this section apply to the placement of commercial transmitting and receiving antennae, including any incidental structures to the antennae. Requirements noted below are meant to prevent harmful impacts upon the community, which can occur as the result of the erection of telecommunications towers. Commercial telecommunications towers must adhere to the following standards.

1. Telecommunications Tower as a Principal Use.

For the purposes of the Madisonville Zoning Code, a telecommunications tower shall be considered a principal use of land. However, this definition shall not preclude the use of an existing structure or tower for the installation of a telecommunications antenna.

2. The Priority of Co-location.

An Applicant proposing to construct a new telecommunications tower shall identify all other existing towers within the city as possible alternative sites for antenna installation. Where feasible, priority shall be given to the placement of an additional antenna on an existing tower, or to the installation of an antenna existing structures such as water towers or church steeples. Furthermore, approval of the construction of a new telecommunication tower generally shall be contingent on the capability of the future installations of additional antennae on such a tower. The applicant for a new tower shall

provide written authorization to the planning commission indicating that the proposed tower is designed to allow the installation of additional antennae. The authorization shall be recorded at the Office of the Register of Deeds prior to the issuance of a permit for tower construction.

3. Application for the Erection of Telecommunications Tower.

A request to erect a telecommunications tower within the Town of Madisonville shall be submitted to the Building Inspector at the Madisonville Town Hall. If the request consists of an additional antenna placed on an existing structure or tower, without any extension of that structure or tower, and with no construction of new buildings, then the building inspector may determine the conformance of the request with the town regulations. However, if any new tower, extension of an existing structure or tower, or any new telecommunications building is proposed for a site, then the Madisonville Planning Commission shall consider the request.

A permit for construction on a telecommunications tower shall not be issued without the approval of the Madisonville Planning Commission. If substantial progress on a tower project has not been made within six (6) months of the issuance of a permit, then that permit shall be void. Prior to any consideration by the planning commission regarding proposed construction on a telecommunications facility, the following must be submitted for the planning commission agenda at least ten (10) days prior to the date of the meeting at which the proposal is to be addressed.

- a. A scaled site plan displaying the location, type, and height of the proposed tower; topographic contour lines at five (5) foot intervals; the locations and dimensions of any proposed or existing buildings on the site; locations of guy wires and their anchor points on the ground; dimensions of property boundaries, nearby rights of way and street names, easements, and significant natural features; proposed or existing access points into the site; a landscape plan, along with indications of any needed screening and fencing, utility lines or installations in the vicinity of the site; and, the locations of any structures on properties adjacent to the site, including the names of adjacent property owners.
- b. Information collected by the applicant concerning any alternative, existing structures or towers in the Town of Madisonville, which might provide for the placement of a telecommunications antenna, without the construction of a new tower.

4. Setbacks for Towers and Associated Buildings.

The placement of any telecommunications tower shall be provided with a setback from each property line equivalent in linear feet to the height of the tower, plus five (5) additional feet. Any building(s) erected on the tower site shall conform with the applicable building setback requirements which apply to the zoning district in which the site is located.

5. Guy Wires and Supports.



Guy wires, and associated supports for guy wires, shall be set back a minimum of ten (10) feet from side and rear property lines, and no guy wire shall be allowed within the front building setback ordinarily required in the zoning district in which the proposed tower site is located.

6. Lighting, Noise, and Color.

Lighting for a tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal or State regulations. Lighting in excess of the applicable requirements shall not be permitted.

Insofar as possible, given Federal or State regulations, noise emanating from a tower, or from equipment accessory to it, shall not be audible to adjacent residents. Where such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.

7. Screening from Public View.

Any telecommunications facility approved under these regulations shall be screened along all property lines to a height of six (6) feet. The material used for screening shall be sufficient to prevent visual observation of the telecommunications site through the material.

8. Planting of New Vegetation.

Where vegetation is installed for telecommunications facility screening, the time allowed for the installation of landscaping shall not exceed thirty (30) days after the completion of tower construction and associated appurtenances. If seasonal circumstances prevent the planting of vegetation on a tower site, then the building inspector may allow an extension of the thirty (30) day time limit into the next growing season, but for no more than thirty (30) days of that season.

9. Tower Removal Upon Termination of Use.

When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, then the tower shall be removed at the owners expense. It shall be the responsibility of the owner of a telecommunications tower to notify the Building Inspector when that tower has ceased operations, except for ordinary maintenance and minor repairs.

**11-418. Site Plan Requirements.** The Planning Commission shall review and approve site plans for all new construction except agricultural, single and two-family developments, and on-premise signs prior to issuance of a building permit. Five (5) copies of the site plan shall be provided to the building inspector ten (10) working days prior to the meeting at which it is to be reviewed. The approval of a site plan shall lapse six (6) months after the date of its approval unless a permit has been issued. The validity of a building permit is established in Section 11-

603. Building Permits. To allow for adequate review of new developments, all site plans shall comply with the following:

1. Drawn at a scale of not less than 1" = 20'.
2. Prepared by a licensed engineer or surveyor.
3. Contain a location map and north arrow.
4. Depict the locations and dimensions of all property lines.
5. Depict the locations, dimensions, and uses of all existing and proposed buildings and remaining territory.
6. Depict the locations, dimensions, and designs of all existing and proposed utilities, including fire hydrants.
7. Depict the dimensions and designs of proposed parking, travel aisles, driveways, walkways, and landscaping.
8. Depict the locations and extent of all land subject to flooding.
9. Contain a drainage plan showing the locations, dimensions, and designs of all existing and proposed drainage facilities.

**11-419. Storm Water Detention Standards.** Storm water detention is required for all developments for which a site plan is required unless the developer meets specific exemptions listed in Madisonville's Stormwater Ordinance. These standards are intended to encourage the application of the requirements in the Madisonville Stormwater Ordinance during the site planning process. The following standards shall apply:

1. The development shall be required to use generally accepted standards and procedures for calculating the release of storm water from the site before and after development.
2. On site measures shall be designed and constructed so that the post development rate of storm water runoff does not exceed predevelopment levels.
3. The design criteria for the sizing of detention and drain facilities shall be based on a twenty-four (24) hour storm of a ten (10) year frequency under the pre-development conditions of the site.
4. Post-development calculations shall be based on the impervious area depicted on the site plan.

Certificate: The following certificate shall be on the site plan and shall be signed by a registered engineer.

Certificate of Stormwater Facilities

I certify that the storm water facilities have been designed so that the post-developed storm water runoff rates will not exceed pre-developed storm water runoff rates based on a 24-hour, ten-year storm event.

\_\_\_\_\_, Registered Engineer

## CHAPTER 5

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

##### **11-501. Scope**

##### **11-502. Non-conforming Uses**

##### **11-503. Lot of Record**

##### **11-504. Minimum Size**

##### **11-505. Setback Requirement**

##### **11-506. Uses Permitted Upon Review.**

**11-501. Scope.** Chapter 5 of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapters 3 and 4.

**11-502. Non-conforming Uses.** Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, uses of lots and structures, and characteristics of use which were lawful before this code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this code or future amendments. It is the intent of this code to permit these non-conformities to continue until they are removed, but not to encourage their survival.

Non-conforming uses are declared by this code to be incompatible with permitted uses in the districts involved. To avoid undue hardship, nothing in this code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been carried on diligently.

An existing non-conforming use of a building may be changed to a conforming use, to a non-conforming use of the same classification, or to a non-conforming use of a more restrictive classification; provided, however, that establishment of another non-conforming use of the same or more restrictive classification shall be subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of the zoning code. A non-conforming use of the land shall not be enlarged or moved in whole or part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of the ordinance.

When a non-conforming use of a structure is discontinued or abandoned for a period of six (6) consecutive months, the structure shall not, thereafter, be used except in conformity with the regulations of the district in which it is located.

Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to extent of more than sixty (60) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of the zoning code.

A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of the zoning code. However, nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition

of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**11-503. Lot of Record.** Where the owner of a lot does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning code. 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.

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 prescribed by the zoning code, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record, at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirement established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

**11-504. Minimum Size.** In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than fifty (50) feet and/or whose total lot area is less than five thousand (5,000) square feet.

**11-505. Setback Requirement** The setback requirement of the zoning code 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. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

**11-506. Uses Permitted Upon Review.** Any use which is permitted as a special exception in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

## CHAPTER 6

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

#### **11-601. Administration of the Ordinance**

#### **11-602. The Enforcement Officer**

#### **11-603. Building Permits**

#### **11-604. Certificate of Occupancy**

**11-601. 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 their 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.

It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by covenant, deed, or other private agreement. Whichever ordinance, existing provision of law, contract or deed imposes a greater restriction upon land structure, or other uses, than the provision of that ordinance shall control.

**11-602. The Enforcement Officer.** The provisions of this ordinance shall be administered and enforced by the building inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance. In addition, he shall issue all building permits and make and maintain records thereof, and conduct inspections as prescribed by this ordinance and other such inspections as are necessary to insure compliance with this ordinance.

**11-603. Building Permits.** No building or other structure shall be erected, moved, or added to, or structurally altered without a permit therefor, issued by the building inspector. No permit shall be issued by the building inspector except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by the ordinance.

The building inspector shall ensure that the site plan has been approved by the planning commission and any applicable building codes have been complied with prior to the issuance of a building permit. For new construction not requiring site plan review by the planning commission, the building inspector shall require sufficient information to ensure that the applicable sections of the zoning regulations are met.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of the zoning code, 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 cause for disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning code, and building permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.

**11-604. 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 the zoning code. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the

building inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the zoning code, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

## CHAPTER 7

### BOARD OF ZONING APPEALS

#### SECTION

#### **11-701. Creation and Appointment**

#### **11-702. Powers and Duties**

#### **11-703. Procedure for Authorizing Use Permitted on Review**

#### **11-704. Variances**

**11-701. Creation and Appointment.** A Board of Zoning Appeals is hereby established in accordance with Section 13-705 through 13-707, Tennessee Code Annotated. As permitted by Section 13-705, Tennessee Code Annotated the Madisonville Regional Planning Commission is hereby designated as the Board of Zoning Appeals.

1. 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 or procedure and shall keep records of applications and action taken thereof which shall be public records.
2. Appeals: How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of the zoning code. 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 notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any person, or party may appear in person, by agent, or attorney.

**11-702. Powers and Duties.** The Board of Zoning Appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, made by the building inspector or other administrative official in the carrying out or enforcement of any provision of the zoning code.
2. Special Exceptions. To hear and decide application for special exceptions as specified in the zoning code, 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.
3. Variances. To hear and decide applications for variances from the terms of the zoning code.

**11-703. Procedure for Authorizing Use Permitted on Review.** 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.

1. **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 and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board of Zoning Appeals may require.
2. **Restrictions.** In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning code.
3. **Validity of Plans.** All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
4. **General Requirements.** A use permitted on review shall be granted provided that the Board of Zoning Appeals finds that it:
  - a. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
  - b. Will not adversely affect other property in the area in which it is located.
  - c. Is within the provision of “Uses Permitted on Review” as set out in this ordinance.
  - d. Conforms to all applicable provisions of this ordinance.

**11-704. Variances.** The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under the zoning code.

1. **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.
2. **Standards for Variances.** In granting a variance, the Board shall ascertain that the following criteria are met:
  - a. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district.
  - b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
  - c. 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 the zoning code would deprive the applicant of any reasonable use of this land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.



- d. The granting of any variance shall be in harmony with the general purposes and intent of the zoning code and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor.

## CHAPTER 8

### AMENDMENTS AND LEGAL STATUS

#### SECTION

#### **11-801. Amendments to the Ordinance**

#### **11-802. Penalties**

#### **11-803. Remedies**

#### **11-804. Validity**

#### **11-805. Effective Date**

#### **11-806. Interpretation**

**11-801. Amendment to the Ordinance.** Such regulations, restrictions, and boundaries as are provided for in this ordinance may be amended, supplemented, changed, modified, or repealed by the chief legislative body of Madisonville, Tennessee. All changes and amendments shall be effective only after official notice and public hearing. Before enacting the amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in the official Municipal Journal or in a newspaper of general circulation. No amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the entire membership of the Board of Mayor and Alderman of Madisonville, Tennessee.

**11-802. Penalties.** Any persons violating any provisions of the zoning ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50) for each offense. Each day such violations shall continue constitutes a separate offense.

**11-803. Remedies.** In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of the zoning ordinance; the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or another appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land.

**11-804. Validity.** Should any section, clause, or provision of the zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of the zoning ordinance as a whole or any other part than the part judged invalid.

**11-805. Effective Date.** This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

**11-806. Interpretation.** Where a condition imposed by a provision of this ordinance is less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Read and passed by the Board of Mayor and Aldermen, January 2, 1973

Effective Date, February 1, 1973