

BOLIVAR, TENNESSEE

ZONING ORDINANCE

JUNE, 2002

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Prepared by the
**BOLIVAR MUNICIPAL-REGIONAL PLANNING
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With the assistance of the

**SOUTHWEST TENNESSEE DEVELOPMENT DISTRICT
REGIONAL PLANNING
102 EAST COLLEGE STREET
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ZONING ORDINANCE FOR BOLIVAR, TENNESSEE

AUTHORITY

An ordinance in pursuance of the authority granted by Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, to provide for the establishment of districts or zones within the corporate limits of Bolivar, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of building, structures and land for trade, industry, residence recreation, public activities and other purposes to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCILMEN OF BOLIVAR, TENNESSEE, AS FOLLOWS:

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CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING

10-201 **Title and Map:** This Ordinance shall be known and may be cited as the Zoning Ordinance of Bolivar, Tennessee, and the map herein referred to which is identified by the title, "Zoning Map, Bolivar, Tennessee" which is on file in the Bolivar City Hall and is hereby adopted as a part of this ordinance.

10-202 **Purpose:** The zoning regulations and districts set forth in this ordinance 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 fire, panic and other dangers to provide adequate light and air, to prevent the overcrowding of land, to provide undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks other public requirements. They have been made with reasonable consideration among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city, so that Bolivar, Tennessee may become a better city in which to live.

10-203 **Definitions:** Unless otherwise stated, the following words shall, for the purpose of this title, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

Abandoned Sign - A sign which no longer correctly directs or exhorts any persons, advertise a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

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

(a) **Adult Entertainment Establishments**

- (1) **Adult Arcade** means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are

characterized by emphasis on the depiction of description of “specified sexual activities” or “specified anatomical areas.”

- (2) Adult Bookstore means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - (i) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of “specified sexual activities” or “specified anatomical areas”, or,
 - (ii) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”
- (3) Adult Cabaret means a nightclub, bar, restaurant, or similar establishment which regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (4) Adult Motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (5) Adult Motion Picture Theater means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (6) Adult Theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- (7) Massage Parlor means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or

manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

(8) Sexual encounter establishment - means an establishment, other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

(b) Specified Anatomical Areas means any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the aureole; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(c) Specified Sexual Activities means any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic, or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling, or other such contact with an animal by human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set for thin “1” through “6” above.

Airport – William L. Whitehurst Airfield

- (a) Airport Elevation – The highest point of the airport’s usable landing area measured in feet from mean sea level, which is Bolivar-Hardeman County Airport – 499 feet.
- (b) Airport Hazard – Any structure or tree, or use of land which obstructs the airspace required for the flight aircraft in landing or taking off an airport; or is otherwise hazardous to such landing or taking off of aircraft.
- (c) Airport Hazard Zone – Any land or water upon which an airport hazard might be established if not prevented by this Ordinance.
- (d) Approach Zone – An area adjacent to the runways of an airport which must remain clear of obstructions due to incoming and out-going airplanes. The area must remain free of antennas, spires and any other obstruction.
 - (1) Height – For the purpose of determining the height limit in all zones set forth in this Chapter and shown on the Airport Hazard Zoning Map, the datum shall be sea level elevation unless otherwise specified.
 - (2) Instrument Runway – A runway equipped or designated to be equipped by an approved airport plan, with electronic air navigation aids adequate to permit the landing and takeoff of aircraft under restricted visibility conditions.
 - (3) Obstruction – Any tangible inanimate physical object, natural or artificial, protruding above the surface of the ground.
 - (4) Structure – Any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines and poles or other structures supporting the same.

Airport Reference Point – Means the point established as the approximate geographic center of the airport landing area and so designated.

Alley - Any public or private way set aside for public travel twenty (20) feet or less in width.

Billboard - An outdoor advertising structure with a sign or signs not pertinent to a use on the premises.

Building - Any structure or installation constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, gasoline pump island, lunch wagons, dining cars, trailers, and similar structures whether stationary or movable.

- (a) Principal Building - 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 the principal building on the lot on which the same is situated.
- (b) Accessory Building - A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Clinic - A facility for the examination and treatment of ill and afflicted human out-patients provided, however, patients are not kept overnight except under emergency conditions. This includes doctor and dental offices.

Day Care Center – A facility operated by a person, society, agency, corporation, institution or group that receives pay for the care of thirteen (13) or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

Day Care Home, Group – A facility operated by a person, society, agency, corporation, institution or group that receives from eight (8) to twelve (12) children under 17 years of age for less than 24 hours per day for care outside their own homes, without transfer of custody.

Day Care Home, Family – A facility operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for 5,6 and 7 children under 17 years of age who are not related to the operator and whose parents or guardians are not residents of the household.

Development - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Dwelling, Multi-Family - A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Two-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by two families only.

Dwelling Unit - One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

Flashing Sign - A sign, the illumination of which is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink.

Family - One (1) or more persons occupying a premise and living as a single non-profit housekeeping unit.

Flood - A general and temporary condition of partial or complete inundation on normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain - A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this ordinance the lands subject to inundation by the 100-year flood i.e. the 100-year floodplain.

Floodproofing - Any combination of structural or nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

Floodway - The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions.

Floodway Fringe Area - Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

Illegal Sign - Any sign which is prohibited by this Ordinance, or a non-conforming sign for which a permit required under a previous ordinance was not obtained.

Lot - A piece, parcel, or plot of land in one ownership, which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under this ordinance. All lots shall front on and have access to a street.

(a) Lot Line - A boundary dividing a given lot from a street, an alley, or adjacent lots.

(b) Lot of Record - A lot, the boundaries of which are filed as a legal record.

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

Mini-warehouse - A building or group of buildings in a controlled-access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers goods or wares.

Mobile Homes - A detached residential dwelling unit designated for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks and other temporary or permanent foundations, connection to utilities, and the like. The character of a mobile home as a non-permanent dwelling shall not be changed in view of this ordinance by removal of the wheels and/or carriage or placement on a permanent foundation.

A travel trailer is not to be considered as a mobile home.

- (a) Independent Mobile Homes: A mobile home equipped with interior toilet and bathing facilities and fixtures for connection of such facilities to permanent water supply and sewage collection systems.
- (b) Travel Trailer: A trailer or vehicle designed for short-term occupancy and built to be transported on its own wheels.

Mobile Home Park - Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on after the effective date of these regulations.

Nonconforming Structure - A structure which was lawfully constructed prior to enactment, or amendment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Non-conforming Sign - Any sign which was lawfully erected, including proper permit, and maintained prior to such time as it came within preview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions in this code, or a non-conforming sign for which a special permit has been issued.

Nonconforming Use - A use of a building or of land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Nursing Homes - A facility defined by either of the following:

- (a) Any institution, place, building or agency represented and held out to the general public for the express or implied purpose of providing care for one (1) or more non-related persons who are not acutely ill, but do require skilled nursing care and related medical services.

- (b) A facility whose services shall be restricted to facilities providing skilled nursing care and related medical services to individuals, beyond the basic provision of food shelter and laundry, admitted because of an illness, disease or physical infirmity for a period of not less than twenty-four (24) hours per day.

One Hundred Year Flood - A flood which has, on the average, a one percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-chance flood."

Portable Sign - A portable sign shall mean to include any advertising sign, device, located on the ground, easily movable, not permanently attached thereto and which is usually a two-sided sign and including any single or double surface painted or posterized panel type sign thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the premises or any building, wall, fence, pole, or any other structure situated upon any real property.

Primary Sign - The principal sign that directs attention to a profession, business, commodity, service, or other activity conducted, sold or offered upon the same lot.

Real Estate Sign - Any sign pertaining to the sale, lease or rental of land or buildings.

Recreational vehicle - A vehicle which is:

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

Runway – Means the paved surface of an airport landing strip.

Secondary Sign - A sign that directs attention to a profession, business, commodity, service or other activities conducted, sold or offered upon the same lot.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

Street - Any public or private way set-aside for public travel twenty-one (21) feet or more in width. The word "street" shall include the words "road", "highway", and "thoroughfare".

Substantial Improvements - Any repair, reconstruction, or improvement of a structure, the cost of which equal or exceeds fifty (50) percent of the market value of the structure either (1) before the repair of improvements or (2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimension of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Sign - Any sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in this ordinance, a period of three (3) months is the maximum time limit for display of temporary sign.

Townhouse - An attached residential dwelling unit designed for occupancy by one (1) family constructed in a row of three (3) to seven (7) such dwelling units, each dwelling unit shall be located on a separate lot and shall be separated from the adjoining units by fire resistant walls without openings extending through the roof, and each dwelling unit having independent access to the exterior on the ground floor.

Total Floor Area - The area of all floors of a building including finished attic, finished basements, and covered porches.

Transport Runway – Means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and turbojet powered aircraft.

Utility Runway – Means a runway that is construed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway – Means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and

furniture may be permitted in a yard subject to height limitations and requirements limiting obstruction of visibility.

- (a) Front Yard - A yard extending across the entire width of the lot between the front yard line and the nearest part of the principal building, including covered porches and carports.
- (b) Rear Yard - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building including covered porches and carports.
- (c) Side Yard - A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches and carports.

10-204 **Zoning Affects Every Building and Use** - No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

10-205 **Nonconformities** - If within the districts established by this ordinance or amendments that may later be adopted there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment the following shall apply:

- (a) Any non-conforming structure may not be:
 - (1) Extended except in conformity with this ordinance except as permitted by Section 13-7-208, Tennessee Code Annotated.
 - (2) Rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement value except in conformity with the provision of this ordinance or as permitted by Section 13-7-208, Tennessee Code Annotated.
- (b) Any non-conforming use of land may not be:
 - (1) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
 - (2) Extended except in conformity with this ordinance except as permitted by Section 13-7-208, Tennessee Code Annotated.
- (c) Any non-conforming use or structure may not be:
 - (1) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.

(2) Re-established after discontinuance of one year except as permitted by Section 13-7-208, Tennessee Code Annotated.

(d) Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement cost unless the use and structure conform to the provisions of this ordinance or as permitted by Section 13-7-208, Tennessee Code Annotated.

10-206 **Only One Principal Building on Any Lot** - Only one principal building and its customary accessory buildings shall hereafter be erected on any lot. This provision does not apply to multi-family developments as permitted in Chapter 5, or H-1 (Hospital-Medical) Districts as established in Chapter 12. In all districts the required yard setbacks and other requirements of that particular district shall be met for each structure as though it were on a single lot.

10-207 **Reduction in Lot Area Prohibited** - No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of these regulations are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

10-208 **Required Yard Cannot be Used by Another Building** - No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.

10-209 **Rear Yard Abuts a Public Street** - When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

10-210 **Off-Street Automobile Storage**

1. There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use of occupancy to another, permanent off-street parking space of at least one hundred and eighty (180) square feet per space with vehicular access to a street or alley for the specific uses as set forth below. For lot with no access to either a public or private alley, the town reserves the right to control ingress and egress over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

All parking spaces for all uses shall be arranged in such a manner to prevent a vehicle backing onto a public way during egress. The provisions of this section shall not apply to any building, structure, or use located in the B-2 (Central Business) District.

- (a) Dwelling: Not less than two (2) spaces per dwelling unit.
 - (b) Boarding Houses, Rooming Houses: Not less than one (1) space for each room or unit occupied by boarders or roomers.
 - (c) Tourist Accommodations: Not less than one (1) space for each room or unit offered for tourist accommodations.
 - (d) Office Use: Not less than one (1) space per 300 gross square feet.
 - (e) Manufacturing or Other Industrial Use: Not less than one (1) space per 500 gross square feet.
 - (f) Retail Uses: In all business districts, except in B-2 (Central Business) Districts, not less than one (1) space for each two hundred (200) gross square feet.
 - (g) Theaters, Auditoriums, Stadiums, Churches, Funeral Homes, or other Use Designed to Draw an Assembly of Persons: Not less than one (1) space per 300 gross square feet.
 - (h) Public Building: Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement.
 - (i) Medical Offices and Hospitals: Not less than one (1) space per 200 gross square feet.
 - (j) Restaurant Uses: Not less than one (1) space per 100 gross square feet.
 - (k) Warehousing Uses: Not less than one (1) space per 500 gross square feet.
 - (l) Other Uses: As determined by the Board of Zoning Appeals.
2. Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.
3. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the

main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

4. In situations where a specified land use does not reasonably result in the need for the number of parking spaces that is prescribed by these provisions, then a variance from the total number of required parking spaces may be granted by the Board of Zoning Appeals (Examples of such situations would include warehousing uses that employ a minimal number of persons and assembly or residential uses in which the principals involved would not have a need for vehicular parking on site).

10-211 **Obstruction to Vision at Street Intersection Prohibited.** - In all districts, except B-2 (Central Business), on a corner lot, within the area formed by the centerlines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction of vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street or railroad at the centerline thereof. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall. The Board of Zoning Appeals may reduce this requirement when safety conditions will not be impaired.

10-212 **Off-Street Loading and Unloading Space** Behind every building or structure used for business or trade except the central business district, there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading or unloading of vehicles.

10-213 **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. A point of access, i.e., a driveway opening for vehicles onto a street, shall not exceed twenty (20) feet in Office, or Residential Districts, and forty (40) feet in Commercial, Hospital – Medical, and Industrial Districts. Additional footage for access widths may be granted when considered necessary for proper traffic flow as it pertains to public safety, and also following the approval of the Board of Zoning Appeals. On State Routes, points of access may not exceed the Tennessee Department of Transportation’s requirements.
2. There shall be no more than two (2) points of access to any one (1) public street on a lot of any width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street.
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.

4. The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk, to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on city streets or rights-of-ways shall be cut or altered without written approval of the City Building Inspector.
6. Cases requiring variances and special exceptions relative to this section, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.

10-214 **Adult Oriented Businesses** For the purposes of this ordinance, Adult Oriented Businesses as defined in Chapter 2, Section 10-203 of this ordinance shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

10-215 **Street Frontage** All residential uses must front on a public street for a distance of at least fifty (50) feet.

10-216 **Classification of Districts** For the purpose of these regulations, the City of Bolivar, Tennessee, is hereby divided into thirteen (13) classes of districts, designated as follows:

| | | |
|-----------------------|-----|--|
| Residential: | R-1 | Low Density |
| | R-2 | Medium Density |
| | R-3 | High Density |
| | R-4 | High Density Residential & Mobile Home |
| Historical & Cultural | HC | (Historical and Cultural) |
| Business: | B-1 | Neighborhood Business |
| | B-2 | Central Business |
| | P-B | Planned Business |
| Office | O | Office |
| Hospital-Medical | H-1 | Hospital-Medical |
| Industrial: | M-1 | Light Industrial |
| | M-2 | Heavy Industrial |
| Flood | F-1 | Special Flood Hazard |

10-217 **Boundaries of Districts** The boundaries of the above described districts are hereby established, as shown on the map entitled "Zoning Map of Bolivar, Tennessee". Unless otherwise indicated on the map, the boundaries are lot lines, the center lines of streets or alleys, railroads rights-of-way, or the corporate limit lines as they existed at the time of the enactment of these regulations.

Questions concerning the exact locations of district boundary shall be determined by the Board of Zoning Appeals. Where a district boundary divides a lot, as existing at the time these regulations take effect, and the major portion of the lot is in the less restrictive district, the regulations relative to that district may extend twenty (20) feet within the more restricted district.

10-218 **Floodplain** No building permit shall be issued for the construction of a building for any residential, business, industrial or public use which would be within the flood plain of any creek, ditch or stream, or which is subject to periodic or occasional inundation, as determined by the Board of Zoning Appeals. This shall be construed to include the storage of any material which may float and cause drainage obstructions.

10-219 **Signs and Billboards** - Signs and billboards shall be permitted as follows:

(a) **Residential Districts**. Signs lighted only by non-flashing and non-animated illumination and setback from any side lot line at the side yard distance required in the adjoining lot.

(1) Real estate sale, rental, or improvements - one sign not to exceed 12 square feet in area except that larger signs for such purposes may be permitted by the Building Inspector, a period of one-year renewable. Any real estate signs shall refer to the premises on which it is located.

(2) Other authorized uses shall include the following:

(i) For each dwelling unit, one sign no larger than two (2) square feet in area containing the name of the occupant, profession of the occupant, and/or the house number.

(ii) Political signs not more than six (6) square feet in areas which are put in place no earlier than 30 days prior to the election to which they pertain. The person responsible for placement of the sign is responsible for removing the sign within 48 hours after the election to which it pertains.

(iii) National flags when properly displayed.

(iv) Signs not exceeding one square foot in area noting garage sales providing they are on site.

(v) Signs for Non-conforming Uses and Special Exceptions. Each nonconforming use and special exception shall be permitted one free standing per street frontage not to exceed 48 square feet in area per sign.

(b) **Historical and Cultural Districts**ⁱⁱ

No sign shall be erected or maintained at any location in a Historical and Cultural District until the Bolivar Historic Zoning Commission has granted

approval. The Commission shall review each sign request on the sign's relationship to the historical character of the immediate area zoned for historical cultural preservation. However, the signs shall not substantially exceed the standards, which would apply, if the signs were for a particular use not located in a historical and cultural district.

- (1) Residential. In the North Main Historic District, Bills McNeal District, and other designated residential historic sites the following sign locations will be acceptable:
 - (i) Signs can be suspended between porch posts.
 - (ii) Signs can be mounted on or between the fascia boards.
 - (iii) Signs can be freestanding in the front yard, no higher than eight feet (8') and shall not exceed a maximum area of two square feet (2').
 - (iv) Projecting signs from porch posts on residences shall be mounted no more than twelve feet (12') from the ground.
 - (v) Signs shall not obscure architectural details.
- (2) Business. In the Court Square Historic District and other designated historical sites the following sign locations will be accepted:
 - (i) Signs shall not obscure architectural details or signage of adjacent buildings.
 - (ii) Space on the building façade specifically designed to contain signage shall be the most appropriate location for signs.
- (3) Lettering
 - (i) Permanent sign lettering for signs larger than one square foot should be compatible with the style and historic period of the related building.
 - (ii) Temporary signs may use lettering consistent with the product, service, or event advertised, even if inconsistent with the style and historic period of the building.
 - (iii) Historic spelling lettering and wording must be consistent with the documented authentic history of Bolivar. Numerous published examples of historic lettering styles are available from the Historic Zoning Commission at the Municipal Center. The Commission with regards to lettering styles will use these publications along with historic photographs taken in Bolivar as a resource.

(4) Colors

- (i) Color selection is one of the most crucial aspects of successful sign design. A sign should complement rather than clash with its surroundings. Sign colors must be compatible with the building façade and adjacent signs and the adjacent buildings.
- (ii) Fluorescent and day-glow paints and color are not permitted in the historic area.

(5) Lighting

- (i) In most locations in downtown Bolivar, signs are well lit by streetlights and individual sign illumination is unnecessary and shall not be approved.
- (ii) External illumination may be approved when natural or street lighting doesn't provide sufficient light for reading a sign.
- (iii) Internally illuminated signs shall not be permitted even for modern buildings unless the modern building and sign are isolated from view from neighboring buildings, which in their style and historic period predate the use of internally lit signs.
- (iv) The Historic Zoning Commission must carefully consider the effect of any sign's illumination on an adjacent or neighboring building prior to approval. Temporary trial lighting is strongly recommended as a part of obtaining approval of the Commission, which reserves the right to rescind any approval within sixty (60) days of installation, if in the judgment of a majority of the Commissioners the lighting conditions were not accurately represented or demonstrated during the application process.

- (6) Quality of Materials and Workmanship - Materials must be of sufficient quality and durability to give the sign a normal or longer than normal life span. All signs must be of professional quality. The Historic Zoning Commission reserves the right to rescind approval of any sign within sixty (60) days of its installation, if in the judgment of the majority of the Commissioners the applicant has misled the commission with regards to the quality of workmanship at the time of application for approval. This is not or intended to discourage individual artwork and careful craftsmanship on the part of people who do not necessarily make a living building signs.

- (7) Sign Materials
- (i) Appropriate materials are those which comply with the historical nature of the building. Signs can be made of wood, metal, stone, paint on glass, etched glass, stained glass, gold leaf, or synthetic materials may be used if they closely approximate the look of authentic natural materials.
 - (ii) Sign brackets shall be constructed of painted wood or pre-painted metal. Guide wire if needed shall be as inconspicuous as possible.
 - (iii) Materials must be of sufficient high quality and durability to sustain several years use.
- (8) Number of Signs - A building with more than one storefront shall have similar sign and mounting treatments so as to provide balance and unity to the building.
- (9) Sign Maintenance and Non-Conforming Signs
- (i) Non-conforming supports, brackets, and unused signs must be completely removed before a new sign is installed. Any holes in the building must be appropriately patched or repaired.
 - (ii) Obsolete signs are prohibited and shall be removed within 30 days of business vacancy.
 - (iii) Signs should be properly maintained and not fall into disrepair. Rusting, paint peeling and similar problems are evidence of poor maintenance.
 - (iv) Signs on awnings or canopies shall be removed when the tenant vacates the building.
 - (v) Businesses with existing non-conforming signs are encouraged to develop new signage programs to bring their buildings in conformity with these guidelines.
 - (vi) The Historic Zoning Commission must approve any changes in existing sign sizes, materials, etc.
 - (vii) Sidewalk benches or park benches with advertising on them are not allowed.
 - (viii) Temporary signs may be used only 30 days from the date of approval.

(c) Other Districts

- (1) Signs shall be set back from any residential district lot line at least the side yard distance required in the adjoining residential district.
- (2) Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residence districts and any light used for illumination and not an integral part of the sign shall be so arranged as to reflect light away from street.
- (3) Signs shall conform to the height regulations of the appropriate district.
- (4) Total Surface Area:
 - (i) Office District
 - One wall or fascia sign and one bulletin board sign will be permitted for each developed parcel not to exceed a total of 32 square feet in area for all displays.
 - Wall or fascia signs shall be placed flat against the wall of a building or designed as part of an architectural feature thereof.
 - Bulletin board signs shall not exceed a height of eight feet.
 - (ii) Central Business District
 - One wall or fascia sign will be permitted for each principal building with a surface area not to exceed one square foot for each foot of frontage of the principal building.
 - Wall or fascia signs shall be placed flat against the wall of a building or designed as part of an architectural feature thereof.
 - If the Building includes a canopy, each tenant will be permitted one (1) under canopy sign with a surface area not to exceed six (6) square feet, subject to a minimum clearance of eight (8) feet from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face.
 - One free-standing sign will be permitted for each developed parcel not to exceed one square foot of sign area for each lineal foot of street frontage abutting the developed portion of said parcel, provided that:
 - where a developed parcel has in excess of three hundred feet of street frontage, one additional

free-standing sign may be erected for each additional three hundred feet of street frontage; and,

- where a developed parcel is permitted to have more than one free-standing sign under this Ordinance, the distance between said free-standing sign on each parcel shall be not less than 300 feet.

(iii) Neighborhood Business, Planned Business, Industrial and Hospital Districts.

- Primary signs - for each developed parcel one primary sign shall be permitted, not to exceed 1.25 square foot per lineal foot of street frontage on the street which the building faces, provided that no sign shall exceed 300 square feet. For parcels with more than 300 feet of street frontage on the street which the building faces two free standing signs shall be permitted provided that said signs are 300 feet apart. For parcels on corner lots two signs will be permitted provided that the total area of both signs does not exceed 1.5 square feet per lineal foot of both street frontages.
 - where a developed parcel has in excess of 300 feet of street frontage, one (1) additional freestanding sign may be erected for each additional 300 feet of street frontage; and
 - where a developed parcel is permitted to have more than one standing sign under this Ordinance, the distance between said freestanding sign on each parcel shall be not less than 300 feet.
- One (1) wall or fascia sign will be permitted for each principal building with a surface area not to exceed one square foot for each foot of frontage of the principal building and provided the sign is placed flat against the wall of the building or designed as part of an architectural feature thereof.
- If the building includes a canopy, each tenant will be permitted one (1) under canopy sign with a surface area not to exceed six (6) square feet, subject to a minimum clearance of eight (8) feet from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face.

(ii) Secondary Signs

- a writer board designed so that the content can be easily changed to advertise the sale of products or services on the premises shall be allowed as an accessory to a free standing sign provided it is attached to and designed as a part of the free standing sign, provided that such a writer board does not exceed 48 square feet in area.
- a total of three product signs no more than 20 square feet each will be allowed per establishment.
- any identification wall sign (not to exceed six square feet) with non illuminated letters and without a sign background are not restricted and may be permitted in addition to regular signage.

(d) Pertinence of Signs - Any announcement sign shall pertain only to a use conducted on its premises, or for announcement of a non-profit organization's activities.

(e) Location - Signs shall be located at least ten (10) feet from all property lines except in the Central Business District and as provided in Section 10-218 c 1.

(f) Billboards - Billboards shall be permitted in Neighborhood Business and Industrial Districts and shall:

- (1) Be located not less than 50 feet distant from any structure of which 50 percent of the floor space is used for dwelling purposes;
- (2) Be at least 500 feet distant from another billboard structure on the same side of the street;
- (3) Not have one sign above another sign;
- (4) Be located in compliance with the yard and height restrictions of the appropriate district;
- (5) Be located at least 1,000 feet from any church, school or public meeting place; and
- (6) Have no more than 350 square feet in total area.

(g) Portable Signs - No portable sign as defined in Chapter 2 shall be allowed except as set forth herein and which is located on the same property and allowed under the provision of this ordinance as follows:

- (1) Street banners – It shall be unlawful for any person to have placed across or upon any street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or

electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic festival, or parade or political elections and shall be allowed 30 days before and 24 hours after the event.

- (2) Posters- shall only be authorized in conjunction with an official, civic, or philanthropic or electoral event and shall be allowed only one month prior and 24 hours after the event.
 - (3) Construction – Construction signs shall be allowed in all districts during the actual period of construction and shall be limited to size of 64 square feet. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
 - (4) Real Estate Signs – Real Estate Signs, not to exceed nine (9) square feet, for advertising the sale, lease or rental of land or buildings shall be permitted in all districts when located on the parcel on which the land or building is offered for sale, lease or rental, or signs no greater than 32 feet in Commercial and Industrial Districts.
 - (5) Model Signs – Model Signs identifying or directing the public to model units in single family, townhouse, or multi-family developments limited to one sign per model and not exceeding four (4) square feet in area.
 - (6) Special Events – Civic, philanthropic, or publicly sponsored events shall be allowed one on-site sign 32 square feet in area and tow directional signs, each of which may not exceed 16 square feet in area. Such signs shall be allowed seven (7) days prior and 24 hours after said event. Events consisting of booths, stands, or concessions shall be allowed one on-premise sign not to exceed 10 square feet which shall be attached to the booth, stand, or concession. Such sign shall be allowed 7 days prior and 24 hours after said event.
 - (7) New Business or Ownership – New business or ownership shall be permitted one temporary sign for a period not to exceed 30 days provided the provisions of (b) 1 and 2 above are maintained.
- (h) Application of Ordinance - The following signs are expressly excluded from the operation of this Ordinance:
- (1) Decals affixed to store equipment, canopies, fuel pumps, or other types of vending equipment used for dispensing retail products.
 - (2) Signs wholly within a building.

- (3) Memorial signs, tablets, or plaques, or names of building and date of erection, when the same are cut into any masonry surface or when constructed of bronze or other incombustible material.
- (4) Works of art which in no way identify a product.
- (5) Scoreboards located on athletic fields.
- (6) Gravestones.
- (7) Historical site plaques.
- (8) The display of street numbers.
- (9) Small non-illuminated signs, not exceeding six (6) square feet in surface area displayed strictly for the direction, safety and convenience of the public, including signs which identify restrooms, parking area entrances and exits, and similar type signs not exceeding the size above which aid in the identification of public areas.
- (10) Bulletin boards not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of such institution.
- (11) Signs noting the architect, engineer or contractor when placed upon work under construction, and not exceeding fifteen (15) square feet in area.
- (12) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or non-advertising signs as may be approved by the Board of Zoning Appeals.
- (13) Signs with continuously changing message which provides time and temperature readings offered for the observance by the general public.

(i) Removal of Non-conforming Signs

- (1) Signs lawfully existing at the time of the enactment of this Ordinance, but which are constructed in compliance with previous regulations shall be regarded as non-conforming signs.
- (2) Any non-conforming sign which is partially destroyed by fire, accident, or natural causes beyond fifty (50) percent of its market value shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.
- (3) Any non-conforming sign which is improved and altered to comply with the provisions of this ordinance shall thereafter be considered as conforming.

(4) Any non-conforming sign shall be removed or brought into compliance with the ordinance immediately upon a change in the principal use of the site.

(5) *Any lawfully erected sign may be:*

- *no alteration*

- *the non-conforming*

(j) Removal of Illegal Signs - Any sign prohibited by this Ordinance, or any sign which was constructed, erected, or maintained in violation of the requirements of a previously existing ordinance shall be deemed illegal and be removed within thirty (30) days of written notification by the designated building officer of Bolivar, Tennessee. At the end of the thirty (30) day period, an independent contractor shall be secured, by said building officer, to remove said sign and the charges assessed to said sign owner or lessor. Additionally, at the end of the thirty (30) day period, a fine shall be assessed on said sign owner or lessor equal to \$.50 per square foot of the sign, per day the sign remains standing.

(k) Abandoned Signs - Any person who owns or leases a sign shall remove said sign within thirty (30) days after it becomes an abandoned sign as defined by this Ordinance.

10-220

Regulations Regarding the Placement of Manufactured Homes

(a) The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the *Southern Standard Building Code*.

(b) The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as, conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.

(c) The hitches or towing apparatus, axles and wheels must be removed.

(d) The roof must be pitched so there is at least a two inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.

(e) The unit must be oriented on the lot so that its long axis is parallel with the street.

- (f) All such units shall be required to connect to a public utility system which includes, gas, electric, water and sewer in compliance with the *Southern Standard Building Code and National Electrical Code*.

10-221 Temporary Structures shall be a special exception in commercial, industrial and hospital zones and shall be subject to all provisions set forth by this Ordinance for special exceptions. Temporary structures may be used only for office, commercial, industrial, institutional, or public uses. No residential uses shall be allowed within a temporary structure.

Temporary structures may not be permitted to exist in any one location in excess of a consecutive twelve (12) month period, unless an additional time extension over a twelve (12) month period is expressly authorized by the Board of Zoning Appeals following public hearing procedures as set forth by this Ordinance for special exceptions.

An extension may be granted and approved by the Board of Zoning Appeals only if the applicant has demonstrated good faith/effort toward construction of a permanent structure prior to the request for extension. Financial considerations may not be considered a basis for request of extension.

Be it further provided, no temporary structure permit, including extension, may exceed a consecutive twenty-four (24) month period at any one location.

The Board of Zoning Appeals shall exercise the authority as established herein to determine whether a structure is temporary or permanent.

This section shall have no application to a mobile home utilized for residential purposes which is treated elsewhere in this code.

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CHAPTER 3

DISTRICT REGULATIONS - LOW DENSITY RESIDENTIAL DISTRICTS

- 10-301** **R-1 (LOW DENSITY RESIDENTIAL) DISTRICTS** Within the R-1 (Low Density Residential) District, as shown on the Zoning Map of the City of Bolivar Tennessee, the following regulations shall apply:
- 10-302** **Intent and Purpose** It is the purpose of the R-1 (Low Density Residential District) to provide suitable areas for low-density residential development within the City of Bolivar. The intent of this district is to encourage the development of single-family residences; to stabilize and protect property values and the character of the district; to ensure adequate light, air, open space, and privacy; to afford safe play space for children and recreation space for all ages; to promote and encourage an environment free from hazards to life, health and morals, and as free as possible from nuisance, and suitable for the development of individuals and family life.
- 10-303** **Principal Uses and Structures Permitted**
- (a) Single-family dwellings.
 - (b) Accessory buildings or uses customarily incidental to any aforementioned permitted uses.
 - (c) Signs as regulated in Section 10-218.
- 10-304** **Special Exceptions** - Within the R-1 (Low Density Residential District), the uses listed below will be permitted by the Board of Zoning Appeals after public notice, hearing and applying appropriate conditions and safeguards as outlined in 10-1604 of this ordinance.
- (a) Churches and other places of worship, parish houses public libraries, rest homes, schools offerings general education courses, public parks and public recreational facilities, railroad rights-of-way, as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 10-1404 of this ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar matters of site design. This power shall not include the power to specify building materials or colors, or other similar powers.

- (b) The Board of Zoning Appeals may at its discretion permit City, state, or federal uses, public utilities, and facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business, country clubs provided that a minimum site of four (4) acres is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals following approval of site plans that address the criteria of which the BZA may be concerned as enumerated in Section 10-1604 of this ordinance, and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Home occupations customary conducted within a dwelling such as custom dressmaking, millinery tailoring and fabric sewing, typist, music teacher, artist and artisan, but not including barber shops, beauty shops, professional and business offices, and studios; foster and family care of not more than four (4) children. The following standards shall apply to permitted home occupations:
- (1) The proposed use shall be located and conducted in the principal building only;
 - (2) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) Not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (4) The proposed use shall not constitute primary or incidental storage facilities for a business, or industrial, or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located; and,
 - (7) The proposed use shall not generate noise, odor, fumes, smoke, vehicular, pedestrian traffic or any nuisance that would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- (d) Day Care Centers, Group Day Care Homes, and Family Day Care Homes may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of

Zoning Appeals may be concerned as enumerated in Chapter 19, and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. In addition, the following conditions shall be met:

- (i) Minimum required lot area:
 - (a) Day Care Center - 30,000 square feet
 - (b) Group Day Care Home - 12,000 square feet
 - (c) Family Day Care Home - 10,000 square feet
- (ii) In the cases of Group Day Care Homes and Family day Care Homes, a fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet for each additional child; provided that such a fenced play area may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals, such a fenced play area is necessary.
- (iii) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
- (iv) In the cases of Group Day Care Homes and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) year thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct; provided that such screening may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals; such screening is necessary.
- (v) All outdoor play activities shall be conducted within the fenced play area.
- (vi) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- (e) ⁱⁱⁱHistoric Commercial, Public and Semi-Public uses limited to museums, offices for non-profit organizations, offices for doctors and dentists, whose practice is by appointment only, real estate offices, law offices, architectural and interior design offices, antique shops, gift shops, flower shops, and photographic studios may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to an appropriate scale, provided that the following criteria are met:

- (i) The property on which the proposed use is located must lie within a designated Historical and Cultural overlay district.
- (ii) This use may not be accommodated by the erection of a new structure.
- (iii) Adequate parking must be available in the rear yard. The number of parking spaces shall comply by use with Chapter 2, Section 10-210 (General Provisions Relating to Zoning) of this ordinance.

10-305 **Prohibited Uses and Structures** Any other use or structure not specifically permitted or permissible on appeal in this section is prohibited.

10-306 **Regulations Controlling Accessory Uses** Accessory buildings including a private garage, storage building, satellite antennas, swimming pools and other similar accessory uses customarily incidental to the above permitted uses shall be regulated as follows:

- (a) No accessory uses mentioned above shall be erected in any front yard.
- (b) Accessory buildings shall not be located closer than five (5) feet from any rear or side lot line;
- (c) Accessory buildings shall be located at least five (5) feet from any other building on the same lot.

10-307 **Minimum Lot Requirements** The minimum lot requirements shall be as follows:

- | | | |
|-----|----------------|---|
| (a) | Dwelling Units | 10,000 sq. ft. |
| (b) | Churches | Two (2) acres |
| (c) | Schools | Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred students over one hundred. |
| (d) | Libraries | 20,000 square feet |
| (e) | Other Uses | As required by the Board of Zoning Appeals. |

10-308 **Minimum Width Measured at the Building Line** The minimum lot width, measured at the building line shall be as follows:

- | | | |
|-----|-----------------|---|
| (a) | Dwellings Units | Sixty (60) feet |
| (b) | Churches | Two hundred (200) feet |
| (c) | Schools | Three hundred (300) feet |
| (d) | Libraries | One hundred (100) feet |
| (e) | Other Uses | As required by the Board of Zoning Appeals. |

10-309 **Minimum Yard Requirements** The minimum yard requirements shall be as follows:

- (a) Minimum depth of front yard and any corner side yard Thirty (30) feet
- (b) Minimum Depth of Rear Yard Thirty (30) feet
- (c) Minimum Width of Side Yard on each side of lot Fifteen (15) feet

10-310 **Maximum Lot Coverage by all Buildings.** On any lot the area occupied by all buildings shall not exceed thirty (30) percent of the total area of such lot.

10-311 **Maximum Height of All Structures.** The maximum height of all structures shall be as follows:

- (a) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed forty (40) feet, however.
- (b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
- (c) No accessory building shall exceed two (2) stories in height.
- (d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

10-312 **Minimum Off-Street Parking Requirements.** (As required in Section 10-210, General Provisions Relating to Zoning, of this ordinance.

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CHAPTER 4

DISTRICT REGULATIONS - MEDIUM DENSITY RESIDENTIAL DISTRICTS

- 10-401** **R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICTS** Within the R-2 (Medium Density Residential) District, as shown on the Zoning Map of the City of Bolivar Tennessee, the following regulations shall apply:
- 10-402** **Intent and Purpose** It is the purpose of the R-2 (Medium Density Residential District) to provide areas of medium density residential development within the City of Bolivar. It is the intent of this district is to encourage the development of single-family residences and two-family residences; to insure adequate light, air, open space, and privacy; to afford safe play space for children and recreation space for all ages; to promote and encourage the environment free from hazards to life, health and morals, and as free as possible from nuisances, and suitable for the development of individuals and family life.
- 10-403** **Principal Uses and Structures Permitted**
- (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Accessory buildings or uses customarily incidental to any aforementioned permitted uses as regulated in this Section.
 - (d) Signs as regulated in Section 10-218.
- 10-404** **Special Exceptions** Within the R-2 Residential District, the uses listed below will be permitted by the Board of Zoning Appeals after public notice, hearing and applying appropriate conditions and safeguards as outlined in 10-1604 of this ordinance.
- (a) Churches and other places of worship, parish houses public libraries, rest homes, schools offerings general education courses, public parks and public recreational facilities, railroad rights-of-way, as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to the approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 10-1604 of this ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces as required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar matters of site design. This power shall not include the power to specify building materials or colors, or other similar powers.

- (b) The Board of Zoning Appeals may at its discretion permit City, state, or federal uses, public utilities, and facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business, country clubs provided that a minimum site of four (4) acres is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with written approval of the Board of Zoning Appeals following approval of site plans drawn to scale that address the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 10-1604 of this ordinance, and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Home occupations customary conducted within a dwelling such as custom dressmaking, millinery, tailoring and fabric sewing, typist, music teacher, artist and artisan, but not including barber shops, beauty shops, professional and business offices, and studios; foster and family care of not more than four (4) children. The following standards shall apply to permitted home occupations:
 - (1) The proposed use shall be located and conducted in the principal building only;
 - (2) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) Not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (4) The proposed use shall not constitute primary or incidental storage facilities for a business, or industrial or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - (7) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, or nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- (d) Day Care Centers, Group Day Care Homes, and Family Day Care Homes may be permitted by the Board of Zoning Appeals upon approval of a site

plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Chapter 19 and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. In addition, the following conditions shall be met:

- (1) Minimum required lot area:
 - (1) Day Care Center - 30,000 square feet
 - (2) Group Day Care Home - 12,000 square feet
 - (3) Family Day Care Home - 10,000 square feet
 - (2) In the cases of Group Day Care Homes and Family day Care Homes, a fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet for each additional child; provided that such a fenced play area may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals, such a fenced play area is necessary.
 - (3) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
 - (4) In the cases of Group Day Care Homes and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) year thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct; provided that such screening may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals; such screening is necessary.
 - (5) All outdoor play activities shall be conducted within the fenced play area.
 - (6) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- (e) ^{iv}Historic Commercial, Public and Semi-Public uses limited to museums, offices for non-profit organizations, offices for doctors and dentists, whose practice is by appointment only, real estate offices, law offices, architectural and interior design offices, antique shops, gift shops, flower shops, and photographic studios may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to an appropriate scale, provided that the following criteria are met:

- (1) The property on which the proposed use is located must lie within a designated Historical and Cultural overlay district.
- (2) This use may not be accommodated by the erection of a new structure.
- (3) Adequate parking must be available in the rear yard. The number of parking spaces shall comply by use with Chapter 2, Section 10-210 (General Provisions Relating to Zoning) of this ordinance.

10-405 **Prohibited Uses and Structures** Any other use or structures not specifically permitted or permissible on appeal in this section are prohibited.

10-406 **Regulations Controlling Accessory Uses** Accessory buildings including a private garage, storage building, satellite antennas, swimming pools and other similar accessory uses customarily incidental to the above permitted uses shall be regulated as follows:

- (a) No accessory uses mentioned above shall be erected in any front yard.
- (b) Accessory buildings shall not be located closer than five (5) feet from any rear or side lot line;
- (c) Accessory buildings shall be located at least five (5) feet from any other building on the same lot.

10-407 **Minimum Lot Requirements** The minimum lot requirements shall be as follows:

- (a) Single-family Dwellings 7,500 sq. feet
- (b) Two-family Dwellings 10,000 sq. feet
- (c) Churches One (1) acre
- (d) Schools Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred students over one hundred.
- (e) Libraries 20,000 square feet
- (f) Other Uses As required by the Board of Zoning Appeals.

10-408 **Minimum Width Measured at the Building Line** The minimum lot width, measured at the building line shall be as follows:

- (a) Single family Dwellings Fifty (50) feet
- (b) Two-family Dwellings Sixty (60) feet
- (c) Churches Two hundred (200) feet
- (d) Schools Two hundred (200) feet
- (e) Libraries One hundred (100) feet
- (f) Other Uses As required by the Board of Zoning Appeals.

10-409 **Minimum Yard Requirements** The minimum yard requirements shall be as follows:

- (a) Minimum depth of front yard and any corner side yard Twenty-five (25) feet
- (b) Minimum Depth of Rear Yard Twenty-five (25) feet
- (c) Minimum Width of Side Yard on each side of lot Ten (10) feet

10-410 **Maximum Lot Coverage by all Buildings** On any lot the area occupied by all buildings shall not exceed thirty (30) percent of the total area of such lot.

10-411 **Maximum Height of All Structures** The maximum height of all structures shall be as follows:

- (a) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed forty (40) feet, however.
- (b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
- (c) No accessory building shall exceed two (2) stories in height.
- (d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

10-412 **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this ordinance.

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CHAPTER 5

DISTRICT REGULATIONS - HIGH DENSITY RESIDENTIAL DISTRICTS

- 10-501** **R-3 (HIGH DENSITY RESIDENTIAL) DISTRICTS** Within the R-3 (High Density Residential) District, as shown on the Zoning Map of the City of Bolivar Tennessee, the following regulations shall apply:
- 10-502** **Intent and Purpose** It is the purpose of the R-3 (High Density Residential District) to provide areas of high density of residential development within the City of Bolivar without sacrificing sound planning principals or quality of design. It is the intent of this district to allow for a variety of housing types that will facilitate the result of this coordination of site and physical development. It is intended that the result of this coordination be reflected in the overall design concept, sensitivity to natural features of the site, physical arrangement of the development, traffic safety provisions, quality of construction, and the provision of an optimum of common open space and recreational amenities to be shared by residents of the development in common.
- 10-503** **Principal Uses and Structures Permitted**
- (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Townhouse Dwellings
 - (d) Multiple-family Dwellings
 - (e) Accessory buildings or uses customarily incidental to any aforementioned permitted use.
 - (f) Signs as regulated in Section 10-218.
- 10-504** **Special Exceptions** Within the R-3 Residential District, the uses listed below will be permitted by the Board of Zoning Appeals after public notice, hearing and applying appropriate conditions and safeguards as outlined in 10-1604 of this ordinance.
- (a) Churches and other places of worship, parish houses public libraries, rest homes, schools offerings general education courses, public parks and public recreational facilities, railroad rights-of-way, as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to the approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 10-1604 of this ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard

spaces than regional by other provisions of this Ordinance. The powers to specify access, points and driveway and parking locations and similar matters of site design.

- (b) The Board of Zoning Appeals may at its discretion permit City, state, or federal uses, public utilities, and facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business, country clubs provided that a minimum site of four (4) acres is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with written approval of the Board of Zoning Appeals following approval of site plans drawn to scale that address the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 10-1604 of this ordinance, and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Home occupations customary conducted within a dwelling such as custom dressmaking, millinery tailoring and fabric sewing, typist, music teacher, artist and artisan, but not including barber shops, beauty shops, professional and business offices, and studios; foster and family care of not more than four (4) children. The following standards shall apply to permitted home occupations:
 - (1) The proposed use shall be located and conducted in the principal building only;
 - (2) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) Not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (4) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - (7) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, or nuisance of any kind which

would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

- (d) Day Care Centers, Group Day Care Homes, and Family Day Care Homes may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Chapter 19 and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. In addition, the following conditions shall be met:
- (1) Minimum required lot area:
 - (i) Day Care Center - 30,000 square feet
 - (ii) Group Day Care Home - 12,000 square feet
 - (iii) Family Day Care Home - 10,000 square feet
 - (2) In the cases of Group Day Care Homes and Family day Care Homes, a fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet for each additional child; provided that such a fenced play area may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals, such a fenced play area is necessary.
 - (3) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
 - (4) In the cases of Group Day Care Homes and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) year thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct; provided that such screening may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals; such screening is necessary.
 - (5) All outdoor play activities shall be conducted within the fenced play area.
 - (6) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- (e) ^vHistoric Commercial, Public and Semi-Public uses limited to museums, offices for non-profit organizations, offices for doctors and dentists,

whose practice is by appointment only, real estate offices, law offices, architectural and interior design offices, antique shops, gift shops, flower shops, and photographic studios may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to an appropriate scale, provided that the following criteria are met:

- (a) The property on which the proposed use is located must lie within a designated Historical and Cultural overlay district.
- (b) This use may not be accommodated by the erection of a new structure.
- (c) Adequate parking must be available in the rear yard. The number of parking spaces shall comply by use with Chapter 2, Section 10-210 (General Provisions Relating to Zoning) of this ordinance.

10-505 **Prohibited Uses and Structures** Any other use or structures not specifically permitted or permissible on appeal in this section are prohibited.

10-506 **Regulations Controlling Accessory Uses** Accessory buildings including a private garage, storage building, satellite antennas, swimming pools and other similar accessory uses customarily incidental to the above permitted uses shall be regulated as follows:

- (a) No accessory uses mentioned above shall be erected in any front yard.
- (b) Accessory buildings shall not be located closer than five (5) feet from any rear or side lot line;
- (c) Accessory buildings shall be located at least five (5) feet from any other building on the same lot.

10-507 **Minimum Lot Requirements** The minimum lot requirements shall be as follows:

- (a) Dwellings Except Townhouses Six thousand (6,000) sq. feet for the first dwelling unit plus two thousand five hundred (2,500) sq. feet for each additional unit.
- (b) Churches One (1) acre
- (c) Schools Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred students over one hundred.
- (d) Libraries 20,000 square feet
- (e) Other Uses except Townhouses To be established by the Board of Zoning Appeals.

10-508 **Minimum Lot Width Measured at the Building Line** The minimum lot width, measured at the building line shall be as follows:

- (a) One and Two Family Dwellings Fifty (50) feet
- (b) Multi-Family Dwellings One hundred (100) feet
- (c) Churches Two hundred (200) feet
- (d) Schools Two hundred (200) feet
- (e) Libraries Fifty (50) feet
- (f) Other Uses, except Townhouses, to be established by the Board of Zoning Appeals.

10-509 **Minimum Yard Requirements** The minimum yard requirements for all units except townhouses shall be as follows:

- (a) Minimum Depth of Front Yard and any Corner Side Yard Twenty (20) feet
- (b) Minimum Depth of Rear Yard Twenty (20) feet
- (c) Minimum Width of Side Yard on each side of lot Ten (10) feet

10-510 **Maximum Lot Coverage by all Buildings** On any lot the area occupied by all buildings except townhouses shall not exceed thirty (30) percent of the total area of such lot.

10-511 **Maximum Height of All Structures** The maximum height of all structures shall be as follows:

- (a) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed forty (40) feet however.
- (b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
- (c) No accessory building shall exceed two (2) stories in height.
- (d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

10-512 **Minimum Off-Street Parking Requirements** As required in Section 10-210, (General Provisions Relating to Zoning) of this ordinance.

10-513 **Limitations on Signs and Billboards** As regulated in Section 10-218.

10-514

Site Plan Review Prerequisite for Building Approval Before the building permit is issued for the construction of any townhouse or multi-family development, a site plan of the proposed development shall be reviewed and approved by the Bolivar Planning Commission. The Planning Commission shall meet and act upon any site plan within sixty (60) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When a site plan is denied, the Planning Commission shall state the reason for such action in writing and they shall be entered in the official records of the Planning Commission. The site plan shall be drawn to a scale of 1" = 100' and shall include the following:

- (a) Existing zoning;
- (b) Existing and proposed roads and drainage;
- (c) Curb cuts, drives, and parking area;
- (d) Lot lines;
- (e) Building lines;
- (f) Open space and recreation areas;
- (g) Boundaries, tracts and names of adjacent property owners;
- (h) Proposed and existing utilities;
- (i) Contours at vertical intervals of five (5) feet or less;
- (j) Exhibit a vicinity map showing the relationship of the proposed development of Bolivar;
- (k) Proposed landscaped areas; and,
- (l) Relationship of the proposed development to the street system.

SPECIAL PROVISIONS FOR TOWNHOUSE DEVELOPMENTS

The intent of this section (10-515 to 10-522) is to provide regulations for the development of single-family townhouses in a manner which is attractive, efficient and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate shall be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.

10-515

Townhouse General Design Criteria Prior to the issuance of a building permit, a site plan for townhouse development must be submitted to the Planning Commission for approval (as required in Section 10-514). The following general design criteria shall apply to all townhouse developments:

- (a) Townhouse development may be intermingled with other types of housing; and

- (b) Townhouse development shall not form long, unbroken lines of row housing, but shall be staggered, singly or in pairs at the building line not less than three (3) feet or more than twelve (12) feet; and
- (c) Townhouse developments shall constitute groupings making efficient economical, comfortable and convenient use of land and other space and serving the public purposes of zoning by means alternative to convenient arrangement of yards and buildable areas.

10-516 **Townhouse Detail Design Criteria** The site plan for townhouse development shall incorporate the following detail design criteria:

- (a) Not more than seven contiguous townhouses, nor fewer than three, shall be built in a row with approximately the same (but staggered) front line;
- (b) Minimum width for the lot of which any single townhouse unit is to be constructed shall be 18 feet.
- (c) A minimum lot area per townhouse shall be 2,500 square feet.
- (d) No front, side, rear yard as such is required in connection with any townhouse, but each townhouse shall as a portion of its individual lot have one front or rear yard containing not less than six hundred (600) square feet. This area shall be reasonably secluded from view from streets or neighboring property and shall not be used for off-street parking or for any accessory building.
- (e) No portion of a townhouse or accessory structure shall be closer than thirty (30) feet to any portion of a townhouse or accessory structure related to another group.

10-517 **Area Regulations** (Project Area Parcel)

- (a) The townhouse project area or parcel shall front on a public street for at least fifty (50) feet.
- (b) Land requirements for the perimeter of the townhouse project area or parcel shall be as follows:
 - (1) Front Yard or Corner Side Yard - The minimum depth of the front yard or corner side yard shall be twenty-five (25) feet.
 - (2) Side Yard - The minimum depth of the side yard shall be ten (10) feet.
 - (3) Rear Yard - The minimum depth of the rear yard shall be twenty-five (25) feet.

10-518 **Height Regulation** No townhouse structure shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two stories or twenty-five (25) feet in height.

- 10-519** **Open Space** Minimum open space shall be computed at forty (40) percent of the total area to be developed for townhouse purposes.
- 10-520** **Parking Facilities** As practical, off-street parking shall be grouped in bays, in the interior of the project area. No off-street parking space shall be more than 100 feet, by the most direct pedestrian route, from a door of the dwelling unit it is intended to serve. Two (2) parking spaces shall be provided for each dwelling unit.
- 10-521** **Maintenance of Private Streets and Utilities, Open Spaces and Common Areas** - Provision for the maintenance of all private streets, and utilities, and open spaces not platted as individual lots shall be included in the deed restrictions of the properties. Individual utility connections shall be provided to each townhouse dwelling unit.
- 10-522** **Relationship to the Subdivision Regulations** - At the time an application is made for site plan approval of a townhouse development, the developer must also make application for preliminary approval of a subdivision plat. This is necessary since land is to be subdivided and, in some cases, streets are to be dedicated. Both the site plan and the preliminary plat should be considered simultaneously. The site plan should form the sole basis for granting modifications with respect to subdivision regulations. The final subdivision plat may be submitted to the Planning Commission on all or any portion of a development in accordance with final plat requirement of the Bolivar Subdivision Regulations.

CHAPTER 6

DISTRICT REGULATIONS - HIGH DENSITY RESIDENTIAL AND MOBILE HOME DISTRICTS

- 10-601** Within the areas designated R-4 (High Density Residential and Mobile Home District), on the Zoning Map of the City of Bolivar, Tennessee, the following regulations shall apply:
- 10-602** **Intent and Purpose** It is the purpose of the R-4 High Density Residential and Mobile Home District to allow a high density of residential development in the City of Bolivar without sacrificing sound planning principals or quality of design. It is the intent of this district to allow for a variety of housing types that will facilitate coordination of site and physical development. It is intent that the result of this coordination be reflected in the overall design concept, sensitivity to natural features of the site, physical arrangement of the development, traffic safety provisions, quality of construction, and the provision of an optimum of common open space and recreational amenities to be shared by residents of the development in common.
- 10-603** **Principal Uses and Structures Permitted**
- (a) Single-family dwellings
 - (b) Two-family dwellings
 - (c) Townhouse Dwellings
 - (d) Multiple-family Dwellings
 - (e) Accessory buildings or uses customarily incidental to any aforementioned permitted uses, as regulated by this Section.
 - (f) Signs as regulated in Section 10-218
 - (g) Mobile homes provided that:
 - (1) No other principal building exists on the lot.
 - (2) The wheels are removed and the mobile home is made a permanent or semi-permanent structure; and,
 - (3) The provisions of the Building Code, the Housing Code, Sanitation Code, Plumbing Code, Electrical Code, and all other City Codes and ordinances, and the provisions of this Zoning Ordinance are complied with.
 - (h) Mobile Home Parks shall be permitted in R-4 Districts provided that all provisions of the Bolivar Mobile Home Ordinance are met.
- 10-604** **Special Exceptions** Within the R-4 Residential District, the uses listed below will be permitted by the Board of Zoning Appeals after public notice, hearing and applying appropriate conditions and safeguards as outlined in 10-1604 of this ordinance.

- (a) Churches and other places of worship, parish houses public libraries, rest homes, schools offerings general education courses, public parks and public recreational facilities, railroad rights-of-way, as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to the approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 10-1604 of this ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setback and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar matters of site design. This power shall not include the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit City, state, or federal uses, public utilities, and facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business, country clubs provided that a minimum site of four (4) acres is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with written approval of the Board of Zoning Appeals following approval of site plans drawn to scale that address the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 10-1604 of this ordinance, and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Home occupations customary conducted within a dwelling such as custom dressmaking, millinery tailoring and fabric sewing, typist, music teacher, artist and artisan, but not including barber shops, beauty shops, professional and business offices, and studios; foster and family care of not more than four (4) children. The following standards shall apply to permitted home occupations:
 - (1) The proposed use shall be located and conducted in the principal building only;
 - (2) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

- (3) No more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (4) The proposed use shall not constitute primary or incidental storage facilities for a business, or industrial or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located; and,
 - (7) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic or nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- (d) Day Care Centers, Group Day Care Homes, and Family Day Care Homes may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Chapter 19 and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. In addition, the following conditions shall be met:
- (1) Minimum required lot area:
 - (i) Day Care Center - 30,000 square feet
 - (ii) Group Day Care Home - 12,000 square feet
 - (iii) Family Day Care Home - 10,000 square feet
 - (2) In the cases of Group Day Care Homes and Family day Care Homes, a fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet for each additional child; provided that such a fenced play area may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals, such a fenced play area is necessary.
 - (3) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
 - (4) In the cases of Group Day Care Homes and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) year thereafter, shall be

provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct; provided that such screening may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals; such screening is necessary.

- (5) All outdoor play activities shall be conducted within the fenced play area.
- (6) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

(e) ^{vi}Historic Commercial, Public and Semi-Public uses limited to museums, offices for non-profit organizations, offices for doctors and dentists, whose practice is by appointment only, real estate offices, law offices, architectural and interior design offices, antique shops, gift shops, flower shops, and photographic studios may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to an appropriate scale, provided that the following criteria are met:

- (a) The property on which the proposed use is located must lie within a designated Historical and Cultural overlay district.
- (b) This use may not be accommodated by the erection of a new structure.
- (c) Adequate parking must be available in the rear yard. The number of parking spaces shall comply by use with Chapter 2, Section 10-210 (General Provisions Relating to Zoning) of this ordinance.

10-605 **Prohibited Uses and Structures** Any other use or structures not specifically permitted or permissible on appeal in this section are prohibited.

10-606 **Regulations Controlling Accessory Uses** Accessory buildings including a private garage, storage building, satellite antennas, swimming pools and other similar accessory uses customarily incidental to the above permitted uses shall be regulated as follows:

- (a) No accessory uses mentioned above shall be erected in any front yard;
- (b) Accessory buildings shall not be located closer than five (5) feet from any rear or side lot line; and,
- (c) Accessory buildings shall be located at least five (5) feet from any other building on the same lot.

10-607 **Minimum Lot Requirements** The minimum lot requirements shall be as follows:
(a) Dwellings - Except Townhouses - Six thousand (6,000) sq. feet for the first dwelling unit plus two thousand five hundred (2,500) sq. feet for each additional unit.

- (b) Churches - One (1) acre
- (c) Schools - Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred students over one hundred.
- (d) Libraries - 20,000 square feet
- (e) Other Uses except Townhouses - To be established by the Board of Zoning Appeals.

10-608 Minimum Lot Width Measured at the Building Line The minimum lot width, measured at the building line shall be as follows:

- (a) One & two family Dwellings Fifty (50) feet
- (b) Multi-family Dwellings One hundred (100) feet
- (c) Churches Two hundred (200) feet
- (d) Schools Two hundred (200) feet
- (e) Libraries Fifty (50) feet
- (f) Other Uses, except Townhouses, to be established by the Board of Zoning Appeals.

10-609 Minimum Yard Requirements The minimum yard requirements for all units except townhouses shall be as follows:

- (a) Minimum depth of front yard and any corner side yard - Twenty (20) feet
- (b) Minimum Depth of Rear Yard Twenty - (20) feet
- (c) Minimum Width of Side Yard on each side of lot - Ten (10) feet

10-610 Maximum Lot Coverage by all Buildings. On any lot the area occupied by all buildings, except townhouses, shall not exceed thirty (30) percent of the total area of such lot.

10-611 Maximum Height of All Structures The maximum height of all structures shall be as follows:

- (a) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed forty (40) feet, however.
- (b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
- (c) No accessory building shall exceed two (2) stories in height.
- (d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes

and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

10-612 **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this ordinance.

10-613 **Limitation on Signs and Billboards** As regulated in Section 10-218.

10-614 **Site Plan Review Prerequisite for Building Approval** Before the building permit is issued for the construction of any townhouse or multi-family development, a site plan of the proposed development shall be reviewed and approved by the Bolivar Planning Commission. The Planning Commission shall meet and act upon any site plan within sixty (60) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When a site plan is denied, the Planning Commission shall state the reason for such action in writing and they shall be entered in the official records of the Planning Commission. The site plan shall be drawn to a scale of 1" = 100' and shall include the following:

- (a) Existing zoning;
- (b) Existing and proposed roads and drainage;
- (c) Curb cuts, drives, and parking area;
- (d) Lot lines;
- (e) Building lines;
- (f) Open space and recreation areas;
- (g) Boundaries, tracts and names of adjacent property owners;
- (h) Proposed and existing utilities;
- (i) Contours at vertical intervals of five (5) feet or less;
- (j) Exhibit a vicinity map showing the relationship of the proposed development of Bolivar;
- (k) Proposed landscaped areas; and,
- (l) Relationship of the proposed development to the street system.

SPECIAL PROVISIONS FOR TOWNHOUSE DEVELOPMENTS

It is the intent of this chapter to provide regulations for the development of single-family townhouses in a manner which is attractive, efficient and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate shall be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.

10-615 **Townhouse General Design Criteria** Prior to the issuance of a building permit, a site plan for townhouse development must be submitted to the Planning

Commission for approval (as required in Section 10-614). The following general design criteria shall apply to all townhouse developments:

- (a) Townhouse development may be intermingled with other types of housing; and
- (b) Townhouse development shall not form long, unbroken lines or row housing, but shall be staggered, singly or in pairs at the building line not less than three (3) feet or more than twelve (12) feet; and
- (c) Townhouse developments shall constitute groupings making efficient economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to convenient arrangement of yards and buildable areas.

10-616 **Townhouse Detail Design Criteria** The site plan for townhouse development shall incorporate the following detail design criteria:

- (a) Not more than seven contiguous townhouses, nor fewer than three, shall be built in a row with approximately the same (but staggered) front line;
- (b) Minimum width for the lot of which any single townhouse unit is to be constructed shall be 18 feet;
- (c) A minimum lot area per townhouse shall be 2,500 square feet;
- (d) No front, side, rear yard as such is required in connection with any townhouse, but each townhouse shall as a portion of its individual lot have one front or rear yard containing not less than six hundred (600) square feet. This area shall be reasonably secluded from view from streets or neighboring property and shall not be used for off-street parking or for any accessory building; and,
- (e) No portion of a townhouse or accessory structure shall be closer than thirty (30) feet to any portion of a townhouse or accessory structure related to another group.

10-617 **Area Regulations** (Project Area Parcel)

- (a) The townhouse project area or parcel shall front on a public street for at least fifty (50) feet.
- (b) Land requirements for the perimeter of the townhouse project area or parcel shall be as follows:
 - (1) Front Yard or Corner Side Yard - The minimum depth of the front yard or corner side yard shall be twenty-five (25) feet.
 - (2) Side Yard - The minimum depth of the side yard shall be ten (10) feet.
 - (3) Rear Yard - The minimum depth of the rear yard shall be twenty-five (25) feet.

- 10-618** **Height Regulation** No townhouse structure shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two stories or twenty-five (25) feet in height.
- 10-619** **Open Space** Minimum open space shall be computed at forty (40) percent of the total area to be developed for townhouse purposes.
- 10-620** **Parking Facilities** When practical, off-street parking shall be grouped in bays, in the interior of the project area. No off-street parking space shall be more than 100 feet, by the most direct pedestrian route, from a door of the dwelling unit it is intended to serve. Two (2) parking spaces shall be provided for each dwelling unit.
- 10-621** **Maintenance of Private Streets and Utilities, Open Spaces and Common Areas -** Provision for the maintenance of all private streets, and utilities, and open spaces not platted as individual lots shall be included in the deed restrictions of the properties. Individual utility connections shall be provided to each townhouse dwelling unit.
- 10-622** **Relationship to the Subdivision Regulations** At the time, an application is made for site plan approval of a townhouse development, the developer must also make application for preliminary approval of a subdivision plat. This is necessary since land is to be subdivided, and, in some cases, streets are to be dedicated. Both the site plan and the preliminary plat should be considered simultaneously. The site plan should form the sole basis for granting modifications with respect to subdivision regulations. The final subdivision plat may be submitted to the Planning Commission on all or any portion of a development in accordance with final plat requirement of the Bolivar Subdivision Regulations.

CHAPTER 7

DISTRICT REGULATIONS - HISTORICAL AND CULTURAL DISTRICTS

- 10-701** **General** The Historical and Cultural District (HC) shall be superimposed on existing districts to designate areas, sites, and structures of sufficient historical and cultural significance to warrant public protection. It is the intent and purpose to encourage the preservation of structures, sites and areas that have historical and cultural significance. It is intended that the use of these structures shall be in character with their original design or of a nature which will not necessitate inappropriate changes in exterior appearance, create congestion or increase fire hazards.
- 10-702** **How Zoning Map Amended to Designate Historical and Cultural Districts** Any amendments to the Zoning Map of the City of Bolivar designating Historical and Cultural Districts shall be subject to provisions of Chapter 19 of the Bolivar Zoning Ordinance.
- In addition thereto, the specific use to which the structure, site or area is to be put must be specified in the petition to amend the zoning map, and the amendment to the zoning map shall be only for the use so specified. Should this use not be established within six (6) months from the date of the amendment to the official zoning map designated the structure, site or area as a Historical and Cultural District, the property so rezoned shall revert to its prior zoning status. Should this specified use be abandoned or substantially changed, and so remain for a period of sixty (60) days the property rezoning as Historical and Cultural Districts for a specified purpose shall revert to prior zoning status.
- 10-703** **Appointment of Historic Zoning Commission** The Historic Zoning Commission shall consist of no less than five (5) members and no more than nine (9) members^{vii} and shall be appointed by the Mayor and confirmed by a majority vote of the City Council. The appointments to membership on the Commission shall be so arranged that the term of one (1) member will expire each year, and their successors shall be appointed in like manner for terms of five (5) years. All members shall serve without compensation. The Historic Zoning Commission shall consist of a representative of a local patriotic or historical organization; an architect, if available; a member of the Local Planning Commission at the time of his appointment; and the remainder shall come from the community in general.
- 10-704** **Approval of Historic Zoning Commission** After a structure or site or area has been designated as having historical and cultural significance as evidence by rezoning, all applications for building and/or occupancy permits for construction, alteration, repair, moving or demolition, or changes in use of building or land to be carried on within the historic districts shall be referred by the Building Inspector to the Historic Zoning Commission who shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal. The Historic Zoning Commission shall, within thirty (30)

days following the availability of sufficient data direct the granting of a building and/or occupancy permit with or without attached conditions or direct the refusal of the building and/or occupancy permit and the grounds of refusal stated in writing. Upon review of the application for the building and/or occupancy permit, the Historic Zoning Commission shall give prime consideration to: (1) historical and/or architectural value of the present structure; (2) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; (3) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and (4) to any other factor, including aesthetic, which it deems to be pertinent.

10-705

Site Plan Review Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

CHAPTER 8

DISTRICT REGULATIONS - NEIGHBORHOOD BUSINESS DISTRICTS

- 10-801** **General** Within the areas designated B-1 on the Zoning Map of the City of Bolivar, Tennessee the regulations as set out in this Chapter shall apply.
- 10-802** **Intent and Purpose** The regulations for these districts are designed to create commercial districts primarily for the conduct of retail trade in close proximity to, and catering to the ordinary daily shopping needs of the immediate residential neighborhood and to protect adjacent residential development by restricting the types of business uses, particularly at the common boundaries, which would create hazards, noise, odors, and other objectionable influences.
- 10-803** **Principal Uses and Structures Permitted** Churches; schools offering general education courses; public utilities; philanthropic institutions and clubs; professional offices; studios; food markets; branch type bank; baking shops whose products are sold at retail on the premises; decorators shops; florist shops; paint and hardware stores; household goods and variety stores; shoe repair shops; drug stores; barber and beauty shops; rest homes, self-service laundrette; book art and hobby shops; dry cleaning and/or laundry establishment; funeral home; upholstery shops; antique shops; cigar, pipe and news stand, automobile sales and service (parts); service stations; offices; restaurants; theaters; tourist courts and motels; skating rinks, bus terminals; wholesale businesses (not to include warehousing); seed and feed stores; light manufacturing of products to be sold on the premises by the producer to the consumer and where not more than five (5) persons are employed in such manufacturing; all federal, state, municipal, or county uses.
- 10-804** **Permitted Accessory Uses and Structures** Any use or structure customarily incidental to the permitted principal use or structure.
- 10-805** **Special Exceptions** Under such conditions and safeguards as the Board of Zoning Appeals may impose to carry out the spirit and purpose of this Section, the following may be permitted as special exceptions:
- (a) Any similar retail business or service, or office of the general character as the permitted principal uses and structures and which are essential to the convenience of the neighboring residences.
 - (b) Veterinarian clinic and small animal hospital.
 - (c) Mini-warehouse developments - Before a permit is issued for a mini-warehouse development, a site plan of the proposed development shall be reviewed and approved by the Bolivar Board of Zoning Appeals. The Site plan shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, and shall include, but not be limited to the following information:

- (i) The location, arrangement and general exterior dimensions of all proposed buildings, structures and storage facilities.
- (ii) The location, arrangement and dimensions of automobile spaces, width of aisles, width of bays, and angle of parking.
- (ii) The location and dimensions of vehicular entrances, exits, and drives.
- (iv) The zoning classification of adjoining property.
- (v) Proposed lighting for the development.
- (vi) The location and materials of walls, fencing, screens, and landscaping.
- (vii) General location of existing public and private utilities and easements.
- (viii) Existing drainage facilities and easements and proposed on-site drainage facilities showing approximate areas drained and direction of flow.

In reviewing a site plan for a mini-warehouse development, the Board of Zoning Appeals shall consider the following development standards prior to approval.

- (1) Lot area - The proposed development shall have a minimum lot area of one (1) acre.
- (2) Road classification - the road abutting the property should be at least a collector-sized road.
- (3) Off-street parking - Spaces should be provided as follows:
 - Two (2) spaces for employee parking
 - One (1) space for each (10) storage cubicles
 - One (1) space for each (25) storage cubicles to be located at the manager's office for prospective clients.
- (4) Driveways - Standard widths for driveways are acceptable. A one-way driveway should have one 10-foot parking lane and one 15-foot travel lane, and two way drives should have one 10-foot parking lane and two 12-foot travel lanes.
- (5) Lighting - Required lighting used to illuminate off-street parking areas shall be directed away from property in any adjacent residential district in such a way as not to create a nuisance.
- (6) Vehicular Access Location - Vehicular access locations along State routes shall be approved by the Tennessee Department of Transportation. Vehicular access locations, other than state

routes shall be designed and located so as to minimize hazardous vehicular turning movements and traffic congestion.

- (7) Lot Coverage - On any lot, the area occupied by all structures and buildings shall not exceed forty percent (40%) of the area.
 - (8) Building Height - Height limitations shall be the same as other permitted uses in the district.
 - (9) Setbacks - Minimum setback requirements shall be the same as other permitted uses in the district.
 - (10) Screening - Fences and vegetative screening may be required at the discretion of the Board of Zoning Appeals, along the perimeter of the development. However, the Board of Zoning Appeals shall require a continuous screening along the perimeter of a mini-warehouse development where said development abuts an existing residential district. This screening requirement may only be waived where terrain makes protection against overview impracticable, where there are already sufficient trees growing along such perimeter or where an abutting residential district is undeveloped.
- (d) Residential dwelling units for the owner or operator of a business may be permitted as accessory uses in commercial buildings housing the business provided that the applicant can prove that all parking requirements and other Federal, State and Local regulations, including Building and fire Codes, have been complied with and the following requirements are met:
 - (i) The resident of the unit will be restricted to the owner or operator of the business in the building.
 - (ii) The term operator shall mean the person with the ultimate responsibility of insuring the business is running properly and reporting to the owner of the business on the status of the business.
 - (e) Temporary structures as defined in Chapter 2 and further provided for in Section 10-220.
 - (i) Criteria for Review
 - (1) All area, yard, density and parking requirements shall be met.
 - (2) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If

approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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

10-806 **Prohibited Uses and Structures** Any other uses and structures not specifically permitted or permissible on appeal in this chapter are prohibited.

10-807 **Minimum Required Yards** The following yard distances shall be maintained by all structures and uses in B-1 districts except that in the case of an integral shopping center, the requirements may be modified by the Planning Commission to provide for flexibility on site design.

- (a) **Front:** A minimum front yard of thirty (30) feet shall be required except that when commercial structures within fifty (50) feet of both sides of the proposed use are located less than thirty (30) feet from the right-of-way line, the proposed use may be located in line with the most rearward of the two adjacent structures.
- (b) **Side:** None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least five (5) feet, provided, further that when the site of a residential district, there shall be a side yard which meets the side yard standards of the adjacent residential district and a side yard of thirty (30) feet shall be provided for any corner side yard.
- (c) **Rear:** Twenty (20) feet except that where the rear yard of a lot in an B-1 District abuts a residential district, there shall be a rear yard provided that meets the rear yard standards of the adjacent residential district.

10-808 **Maximum Lot Coverage of All Buildings** On any lot, the area occupied by all buildings shall not exceed forty percent (40%) of the total area of such lots.

- 10-809** **Maximum Height of All Structures** The maximum height of all structures shall be as follows:
- (a) No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the city Fire Chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.
 - (b) No accessory building shall exceed twenty-five (25) feet in height.
 - (c) Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennae and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height plus ten (10) feet from the nearest property line.
 - (d) These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.
- 10-810** **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this Ordinance.
- 10-811** **Minimum Off-Street Loading Requirements** As required in Section 10-212 (General Provisions Relating to Zoning) of this Ordinance.
- 10-812** **Limitations on Signs and Billboards** As regulated in Section 10-218.
- 10-813** **Operating Standards** All permitted uses shall be carried on in such manner as to produce no offensive noise, dirt, odor, glare, or heat outside the property lines of the lot occupied by such uses.
- 10-813** **Site Plan Review** Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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CHAPTER 9

DISTRICT REGULATIONS - CENTRAL BUSINESS DISTRICT

- 10-901** **General** Within the areas designated B-2 on the Zoning Map of the City of Bolivar, Tennessee the regulations as set out in this Chapter shall apply.
- 10-902** **Intent and Purpose** The regulations governing B-2 (Central Business) Districts are designed to achieve the following:
- (a) To protect commercial development, so far as is possible against uses which would create hazards, offensive noise, vibration, smoke, dust, heavy trucking traffic, or other objectionable influences;
 - (b) To provide sufficient space for appropriate locations for the transaction of all type of commercial and miscellaneous service activities in beneficial relation to one another.
 - (c) To encourage the tendency of commercial development to concentrate, to the mutual advantage of both consumers and merchants;
 - (d) To protect the stability of commercial development, to protect the character and established patterns of desirable development, to conserve the value of buildings, to enhance the value of land, to protect the city's tax revenue, thus to promote the health, safety, convenience, prosperity and welfare.
- 10-903** **Principal Uses and Structures Permitted** Churches; public utilities; philanthropic institutions and clubs; pharmaceuticals and drugs; professional offices; studios; food markets; banks; baking shops whose products are sold at retail on the premises; decorator's shops; florist shops; paint and hardware stores; household goods and variety stores; shoe repair shops; barber and beauty shops; self-service laundrette; book, art and hobby shops; dry cleaning and/or laundry pickup establishment where no cleaning is done on the premises; upholstery shops; antique shops; cigar, pipe and news stand. Automobile sales and service (parts); service stations; offices; indoor restaurants; indoor theaters; tourist courts and motels; skating rinks; bus terminals; wholesale business (not to include warehousing); seed and feed stores, light manufacturing of products to be sold on the premises by the producer to the consumer and where not more than five (5) persons are employed in such manufacturing.
- 10-904** **Permitted Accessory Uses and Structures** Any use or structure customarily incidental to the permitted principal use or structure.
- 10-905** **Special Exceptions** After public hearings and appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:
- (a) Wholesale, storage and warehouse facility, freezer and locker.

- (b) Depot for the collection and delivery of articles and merchandise, including facilities for the storage and servicing of vehicles and equipment use in connection therewith.
- (c) Residential dwelling units may be permitted on the second floor of a two story structure provided that the applicant can prove that all parking requirements, and other Federal, State and Local regulations, including Building and Fire Codes, have been complied with.
- (d) The Board of Zoning Appeals may require the submission of a site plan before granting a special exception.
- (e) Temporary structures as defined in Chapter 2 and further provided for in Section 10-220.
 - (a) Criteria for Review
 - (i) All area, yard, density and parking requirements shall be met.
 - (ii) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.
 - (iii) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include, but not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations.

10-906 **Prohibited Uses and Structures**

- 1. Repealed.
- 2. Any other use which in the opinion of the Board of Zoning Appeals would be detrimental to the District and adjacent districts because of offensive fumes, odors, noise, dust, vibrations, or other objectionable features, or would be hazardous to the community on account or danger of fire or explosion, even when conducted under safeguard.

10-907 **Minimum Lot Requirement** None

- 10-908** **Minimum Lot Width Measured at the Building Line** None
- 10-909** **Minimum Yard Requirements** The minimum yard requirements shall be as follows:
- (a) A front yard shall not be required.
 - (b) A rear yard shall not be required, but if provided, shall not be less than ten (10) feet.
 - (c) A side yard shall not be required, but if provided shall not be less than five (5) feet.
- 10-910** **Maximum Lot Coverage of All Buildings** None
- 10-911** **Maximum Height of All Structures** The maximum height of all structures shall be as follows:
- (a) No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the City Fire Chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.
 - (b) No accessory building shall exceed twenty-five (25) feet in height.
 - (c) Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennas and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height plus ten (10) feet from the nearest property line.
 - (e) These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.
- 10-912** **Minimum Off-Street Parking Requirements** None
- 10-913** **Operating Standards** All permitted uses shall be carried on in such manner as to produce no offensive noise, dirt, odor, glare, or heat outside the property lines of the lot occupied by such uses.
- 10-914** **Limitations on Signs and Billboards** As regulated in Section 10-218.
- 10-915** **Site Plan Review** Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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CHAPTER 10

DISTRICT REGULATIONS - PLANNED BUSINESS DISTRICTS

- 10-1001** **General** Within the areas designated P-B (Planned Business) on the Zoning Map of the City of Bolivar, Tennessee the regulations as set out in this Chapter shall apply.
- 10-1002** **Intent and Purpose** The purpose and intent of P-B (Planned Business) Districts are as follows:
- (a) To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and non-commercial areas;
 - (b) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading, landscaping, and buffer strips, and;
 - (c) To provide for the orderly development of commercial activities so that any impact on surrounding uses will be enhanced rather than diminished;
 - (d) To provide a means for permitting the establishment of such commercial districts as a part of the city's development.
- 10-1003** **Areas to be Considered for P-B Zoning** Three (3) types of land area will be considered for P-B Zoning:
- (a) A parcel of land on which a planned commercial development is located shall not be less than two (2) acres.
 - (b) Additions in depths to areas where frontage is already zoned for commercial use; provided, a desirable, integrated design can be assured for the total development.
 - (e) Areas not presently zoned for commercial uses in whole or in part, and areas not now served by appropriate and convenient facilities.
- 10-1004** **Regulation of Access to P-B Zoning** Planned-Business Zoning shall be limited to locations which have direct access to arterials or collectors as located on the adopted Major Street Plan - Bolivar, Tennessee.
- 10-1005** **Principal Uses and Structures Permitted** Any of the following uses will be permitted in a Planned-Business Zone:
- (a) Appliance store; apparel store; bank; barber shop; hardware store; beauty shop; book store; camera shop; department store; drug store; delicatessen; dry cleaning and/or laundry; florist shop; furniture store; gift shop; grocery store; hobby store; jewelry store; meat market; music store; office supply; radio and TV sales and service; restaurant; shoe

repair; sporting goods sales; specialty shop; supermarket; theater; variety store; wholesale business (not to include warehousing).

- (b) Offices and office uses.
- (c) Drive-in banks; gasoline service stations and automobile service centers provided such use is designed as an integral part of the planned development.

10-1006 **Permitted Accessory Uses and Structures** Any use or structure customarily incidental to the permitted principal use or structure.

10-1007 **Special Exceptions**

- (a) Other stores or shops for retail trade or establishments providing personal or professional services which in the opinion of the Board of Zoning Appeals will not be detrimental to the district.
- (b) Temporary structures as defined in Chapter 2.

Criteria for Review

- (a) All area, yard, density and parking requirements shall be met.
- (b) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

10-1008 **Minimum Required Yards** It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, residential areas, however, in no case shall the design of the development provide less than the following requirements:

- (a) All buildings and their accessory uses shall be set back from all street right-of-way lines not less than thirty (30) feet.
- (b) Where the planned commercial development abuts a residential district, no building shall be constructed less than twenty-five (25) feet from such district line.

10-1009 **Maximum Lot Coverage of All Buildings** On any lot, the area occupied by all buildings shall not exceed forty percent (40%) of the site.

10-1010 **Maximum Height of All Structures** The maximum height of all structures shall be as follows:

- (a) No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the City Fire Chief that such building or structure as proposed to be located, constructed or

equipped, and particularly occupants of upper stories, can be properly protected in case of fire.

- (b) No accessory building shall exceed twenty-five (25) feet in height.
- (c) Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennas and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height plus ten (10) feet from the nearest property line.
- (d) These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.

10-1011 **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this Ordinance.

10-1012. **Minimum Off-Street Loading Requirements** As required in Section 10-212 (General Provisions Relating to Zoning) of this Ordinance.

10-1013 **Limitations on Signs and Billboards** As regulated in Section 10-218.

10-1014 **Surfacing of Parking Areas** All off-street parking areas of a planned commercial development shall be surfaced with asphalt, concrete, or other dustless materials and so constructed to provide for adequate drainage and to prevent the release of dust.

10-1015 **Lighting and Parking Areas** Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way as not to create nuisance, and such lighting shall not exceed .5 foot candle at or above any residential district boundary.

10-1016 **Vehicular Access Locations** Vehicular access locations along State Routes will be approved by the Tennessee Department of Transportation. Vehicular access locations, other than on State Routes, shall be approved by the Planning Commission and shall be designed and located so as to minimize hazardous vehicular turning movements and traffic congestion.

10-1017 **Screening** Fences and vegetative screening may be required, at the discretion of the Planning Commission, along the perimeter of certain developments in order to protect residents of residential districts from undesirable views, lighting, noise, and other adverse influences. However, the Planning Commission shall require continuous screening along the perimeter of a planned commercial development when said development abuts an existing residential development. These screening requirements may only be waived where terrain makes protection against overview impracticable, where there are already sufficient trees growing along such perimeter or where an abutting residential district is undeveloped. Also, these requirements shall exclude visibility areas as

determined in Section 10-211 of this ordinance. The required screening shall consist of either:

1. A strip at least eight (8) feet wide densely planted with shrubs or trees at least four (4) feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years.
2. A wall, barrier or uniformly painted fence at least six (6) feet in height. Such wall, barrier or fence may be opaque or perforated provided that no more than fifty (50%) percent of the fence is open.

10-1018

Site Plan Prerequisite for Building Approval Before a permit is issued for any use permitted by right or by special exception the site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall meet and act upon any site plan within sixty (60) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When a site plan is denied, the Planning Commission shall state the reason for such action in writing and they shall be entered in the official records of the Planning Commission.

- (a) **Contents of Site Plan** The site plan shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, and shall include, but not be limited to, the following information.
 - (1) The location and general exterior dimensions of all proposed buildings.
 - (2) The location arrangement and dimensions of automobile parking space, width of aisles, width of bays and angle of parking.
 - (3) The location arrangement and dimensions of truck unloading spaces and vehicular docks.
 - (4) The location and dimensions of vehicular entrances, exits and drives.
 - (5) The location dimensions of pedestrian entrances, exits, walks and walkways.
 - (6) The location and materials of walls, fences, screens, and landscaping.
 - (7) General location of existing public and private utilities and easements, including sewers, and plans for connecting thereto.
 - (8) Existing drainage facilities and easements and proposed on-site drainage facilities showing approximate area drained and direction of flow.

10-1019

Site Plan Review Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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CHAPTER 11

DISTRICT REGULATIONS - OFFICE DISTRICTS

10-1101 **General** Within the areas designated O (Office) on the Zoning Map of the City of Bolivar, Tennessee, the following regulations shall apply.

10-1102 **Intent and Purpose** This district is intended primarily to provide a centralized location for major office and related services, to protect office related facilities in the area from adverse influences, and to promote the establishment of complimentary facilities.

10-1103 **Where Established** This district may be established only when the premises adjoin an existing business district.

10-1104 **Principal Uses and Structures Permitted**

1. Churches
2. Banks
3. Barber shops and beauty parlors with not more than five (5) operators.
4. Book Stores
5. Business Schools
6. Florist Shops
7. Medical or Dental Clinics
8. Offices
9. Photographer's Studio or Art Academy

10-1105 **Permitted Accessory Uses and Structures** Apothecary or restaurant provided that such use occupies no more than one-third (1/3) of the ground floor area of the main structure.

10-1106 **Special Exceptions** None

10-1107 **Prohibited Uses and Structures**

Any other uses or structures not specifically stated in Section 10-1104. As well as, Temporary Structures as defined in Chapter 2 and further provided for in Section 10-220.

(a) **Criteria for Review**

- (1) All area, yard, density and parking requirements shall be met.
- (2) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If approved, all modifications requested by the Board of Zoning Appeals shall be

made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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

10-1108 **Minimum Required Yards**

- (a) Front: Forty (40) feet
- (b) Side: All buildings not exceeding two (2) stories in height shall provide a side yard of not less than ten (10) feet. For buildings exceeding two (2) stories in height, the side yard shall be increased one (1) foot for each additional foot of building height above the second story. A side yard of forty (40) feet shall be provided from any side street, provided that on lots less than one hundred (100) feet in width, the Building Inspector may reduce this requirement to, but in no case less than the depth of the required front yard of adjacent lots on the side street.
- (c) Rear: All buildings not exceeding two (2) stories in height shall provide a rear yard having a depth of not less than twenty-five (25) feet. For buildings exceeding two (2) stories in height, the rear yard shall be increased in depth one (1) foot for each additional foot of building height above the second story.

10-1109 **Minimum Lot Area** None

10-1110 **Maximum Height of All Structures** The maximum height of all structures shall be as follows:

- (a) No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the City Fire Chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.
- (b) No accessory building shall exceed twenty-five (25) feet in height.
- (c) Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennas and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances, and

provided that they are located at a distance equal to their own height plus ten (10) feet from the nearest property line.

- (d) These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.

10-1111 **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this Ordinance.

10-1112 **Operating Standards** All permitted uses shall be carried on in such a manner as to produce no offensive noise, dirt, odor, glare or heat outside the property lines of the lot occupied by such uses.

10-1113 **Limitations on Signs and Billboards** As regulated in Section 10-218.

10-1114 **Site Plan Review** Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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CHAPTER 12

DISTRICT REGULATIONS - HOSPITAL DISTRICTS

10-1201 **General** Within the H-1 (Hospital-Medical) district as shown on the Zoning Map of Bolivar, Tennessee, the following regulations shall apply.

10-1202 **Uses Permitted** The following uses shall be permitted as a matter of right provided a site plan has been reviewed and approved by the Bolivar Municipal-Regional Planning Commission.

- (a) Hospitals for human care, offices, or clinics, for medical or dental practice, clinical laboratories and public health administration offices, medical and other technical services related to human care.
- (b) Pharmacies devoted to the preparation and retailing of drugs, medicines, and surgical and orthopedic supplies.
- (c) Nursing, convalescent and rest homes.
- (d) Funeral Homes^{viii}
- (e) Any use customarily incidental to the above permitted uses provided the sale of food, beverages (excluding alcoholic), periodicals and tobacco will not be permitted except for the convenience of employees, patients and visitors within each hospital, clinic, or office building, and provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such building.^{ix}

Access to any room or enclosure set aside for such sales shall be from the interior of the building only.^x

10-1203 **Permitted Accessory Uses** At such time that a Hospital Medical District has developed to the point that complimentary facilities can be justified, the Bolivar Municipal-Regional Planning Commission, following review of architectural drawings and site plans, may authorize the construction of the following accessory uses, provided no establishment shall exceed three thousand (3,000) square feet in gross floor area and said uses shall be developed on separate lots rather than as a integrated unit:

- (a) Restaurant, excluding drive-in or quick service type facilities.
- (b) Florist.
- (c) Convenience stores - which include the retail sale, from the premises, of groceries and other frequently needed small personal convenience items such as toiletries, tobacco, magazines, as well as the provision of personal convenience sales which are typically needed frequently or recurrently. Under no circumstances will the sale of gasoline, storage of gasoline or gasoline pumps be permitted on the premises.

10-1204

Special Exceptions The following uses are permitted on approval by this Board of Zoning Appeals on review of the criteria established herein:

- (a) Temporary structures as defined in Chapter 2 and further provided for in Section 10-220.

Criteria for Review

- (1) All area, yard, density and parking requirements shall be met.
- (2) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.
- (3) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include, but not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations.

10-1205

Minimum Lot Requirements for Permitted Uses and Accessory Uses

- (a) Minimum required lot area
 - (1) Hospitals (to be determined by Planning Commission)
 - (2) Other Uses 15,000 sq. ft.
- (b) Minimum required lot width at building line
 - (1) All Uses None
- (c) Minimum required front yard
 - (1) All Uses 40 feet
- (d) Minimum required rear yard
 - (1) All uses 30 feet
- (e) Minimum required side yard on each side of lot
 - (1) Permitted Uses None. However, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet.
 - (2) Accessory Uses 15 feet

- (3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district.

10-1206 **Maximum Lot Coverage by All Buildings**

- (a) On any lot the area occupied by all buildings shall not exceed forty percent (40%) of the total area of such lots.

10-1207 **Maximum Height of All Structures** The maximum height of all structures shall be as follows:

- (a) No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the City Fire Chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.
- (b) No accessory building shall exceed twenty-five (25) feet in height.
- (c) Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennas and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height plus ten (10) feet from the nearest property line.
- (d) These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.

10-1208 **Minimum Off-Street Parking Requirements** As required in Section 10-210, (General Provisions Relating to Zoning) of this Ordinance.

10-1209 **Minimum Off-Street Loading Requirements** As required in Section 10-212, General Provisions Relating to Zoning, of this Ordinance.

10-1210 **Limitations on Signs and Billboards** As regulated in Section 10-218.

10-1211 **Other Requirements:**

- (a) **Underground Utilities**
 - (1) All permitted uses and accessory uses shall provide for underground installation of utilities, including telephone and electrical power.
- (b) **Off-Street Parking Areas**
 - (1) All off-street parking areas for permitted uses and accessory uses shall be surfaced with asphalt, concrete, or other dustless material and so constructed to provide for adequate drainage and to prevent the release of dust.

Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way as not to create nuisance, and such lighting shall not exceed .5 foot candle at or above any residential district boundary.

(c) Landscape Screen

- (1) All accessory uses shall provide a landscape screen having a minimum width of ten (10) feet along all rear and side property lines of the land area; however, if any portion of the side or rear yard adjoins an existing or proposed parking area, the Planning Commission may waive a portion of said landscape provided; (1) a binding agreement is executed between the owners of both parcels so as to assure permanent accessibility, and (2) the Planning Commission finds that such access would improve overall vehicular circulation. Such landscape screen shall be considered as part of the open area requirement for purposes of this ordinance.
- (2) The Landscape Screen shall be designed as shown on the following attachment.

10-1211 Site Plan Review Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

CHAPTER 13

DISTRICT REGULATIONS - LIGHT INDUSTRIAL DISTRICTS

10-1301 **General** Within all areas designated M-1 on the Zoning Map of Bolivar, Tennessee the following regulations shall apply.

10-1302 **Intent and Purpose**

- (a) The M-1 districts are designed to provide areas for uses of land and buildings for administration, research, manufacturing, processing, fabrication, assembly, freight handling, storage, and similar operations.
- (b) The regulations governing the M-1 Districts are designed to: promote stability of industrial development; protect industrial development from uses incompatible and detrimental to industry; protect non-industrial districts; and to encourage industrial development in order to improve the basic economy of Bolivar and thus promote the health, safety, convenience, prosperity, and welfare.

10-1303 **Principal Uses and Structures Permitted** Automobile sales and service (parts); service stations; offices; restaurants, theaters; tourist courts and motels; skating rink; bus terminals; wholesale business; seed and feed stores; light manufacture; animal hospitals; bakeries; bottling works; building material yards; cabinet making shops; carpenter shops; clothing; manufacture of paper boxes; trucking terminals; used car lots; warehouses; and all other uses which, in the opinion of the Board of Zoning Appeals, are similar in character to those enumerated in this subsection and which will not be detrimental to the district in which located.

10-1304 **Permitted Accessory Uses and Structures** Accessory buildings or uses incidental to and customarily associated with any permitted industrial use.

10-1305 **Special Exceptions** The judgment of the Board of Zoning Appeals shall be guided by a desire to encourage industrial development in order to improve the basic economy of Bolivar. Such interest will include the promotion of orderly industrial districts containing industries and other uses compatible with each other. Judged against this interest will be considerations of the effect of the industry, or other use, on the environs and the general character of the entire community.

After public notice and hearings, and appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following uses, or similar and no more objectionable uses.

- (a) Any retail use or service permissible in the B-2 district (Central Business), provided such use services or is directly auxiliary to the needs of industrial uses or employees thereof.

- (b) Business requiring gasoline, oil or alcohol storage above ground in excess of five hundred (500) gallons; provided, however, that written approval of the Board of Zoning Appeals is obtained.
- (c) Temporary structures as defined in Chapter 2.
- (d) All area, yard, density and parking requirements shall be met.
- (e) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.
- (f) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include, but not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations.

10-1306 Prohibited Uses and Structures

- (a) Dwelling units, other than those provided in a hotel, motel, or tourist court permitted as a special exception.
- (b) Any other uses and structures not specifically permitted or permissible on appeal or any other use which in the opinion of the Board of Zoning Appeals would be detrimental to the industrial districts and adjacent districts.

10-1307 Minimum Lot Requirements None

10-1308 Minimum Lot Width Measured at the Building Line None

10-1309 Minimum Yard Requirements The minimum yard requirements shall be as follows:

1. Minimum required front yard - 35 feet
2. Minimum required side yard on each side of lots - 25 feet
3. No yard will be required for that part of a lot which is adjacent to a railroad siding.
4. On a lot adjacent to a residential district, all buildings shall be located so as to conform to the front and rear yard requirements of the adjacent residential district, and a minimum side yard of fifty (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in

width may be included as the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than twenty-five (25) feet.

5. When a side lot line is shared with a residential lot, the area occupied by all buildings shall not exceed fifty (50) percent of the total area on each lot.

10-1310 **Maximum Lot Coverage by All Buildings** On any lot the area occupied by all buildings shall not exceed fifty (50) percent of the total area on each lot.

10-1311 **Maximum Height of All Buildings** The maximum height of all structures shall be as follows:

1. No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the City Fire Chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.
2. No accessory building shall exceed twenty-five (25) feet in height.
3. Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennas and similar structures not designed for, or suitable for human occupancy may exceed these height provisions provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height plus ten (10) feet from the nearest property line.
4. These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.

10-1312 **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this Ordinance.

10-1313 **Minimum Off-Street Loading Requirements** As required in Section 10-212 (General Provisions Relating to Zoning) of this Ordinance.

10-1314 **Limitations on Signs and Billboards** As regulated in Section 10-218.

10-1315 **Site Plan Review** Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

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CHAPTER 14

DISTRICT REGULATIONS - HEAVY INDUSTRIAL DISTRICTS

- 10-1401** **General** Within all areas designated M-2 on the Zoning Map of Bolivar, Tennessee the following regulations shall apply.
- 10-1402** **Intent and Purpose**
1. The M-2 districts are designed to provide areas for uses of land and buildings for administration, research, manufacturing, processing, fabrication, assembly, freight handling, storage, and similar operations.
 2. The regulations governing the M-2 Districts are designed to: promote stability of industrial development; protect industrial development from uses incompatible and detrimental to industry; protect non-industrial districts; and to encourage industrial development in order to improve the basic economy of Bolivar and thus promote the health, safety, convenience, prosperity, and welfare.
- 10-1403** **Principal Uses and Structures Permitted** Automobile sales and service (parts); service stations; offices; restaurants, theaters; tourist courts and motels; skating rink; bus terminals; wholesale business; seed and feed stores; light manufacture; animal hospitals; bakeries; bottling works; building material yards; cabinet making shops; carpenter shops; clothing manufacture; dairies; fruit canning or packing; manufacture of paper boxes; trucking terminals; used car lots; warehouses; gasoline; oil or alcohol storage; and all other uses, which in the opinion of the Board of Zoning Appeals, are similar in character to those enumerated in this subsection and which will not be detrimental to the district in which located.
- Adult oriented businesses as defined in Chapter 8 of this ordinance may be permitted, provided that they are no closer than 1,000 feet from a church, school or place of public assembly, or residence; and provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued unless conditions specified in the Sexually Oriented Business Ordinance incorporated within the Bolivar Municipal Code are complied with.
- 10-1404** **Permitted Accessory Uses and Structures** Accessory buildings or uses incidental to and customarily associated with any permitted industrial use.
- 10-1405** **Special Exceptions** The judgment of the Board of Zoning Appeals shall be guided by a desire to encourage industrial development in order to improve the basic economy of Bolivar. Such interest will include the promotion of orderly industrial districts containing industries and other uses compatible with each other. Judged against this interest will be considerations of the effect of the industry, or other use, on the environs and the general character of the entire community.

After public notice and hearings, and appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following uses, or similar and no more objectionable uses.

- (a) Bag cleaning businesses; boiler and tank works; central mixing-plants for cement, mortar, plaster or paving materials; cotton gins; curing, tanning and storing raw hides and skins; the distillation of coal, wood, or tar; fat rendering plants; forge plants; foundries or metal fabrication plants; gasoline or oil storage above ground in excess of five hundred (500) gallons; slaughter house or stock yards; smelting plants; the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta, tile, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; or any other use which in the opinion of the Board of Zoning Appeals would cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odors, dust or other objectionable conditions.
- (b) Any retail use or service permissible in the B-2 District (Central Business), provided such use serves, or is directly auxiliary to the needs of industrial uses or employees thereof.
- (c) Temporary structures as defined in Chapter 2.
- (d) Criteria for Review
 - (1) All area, yard, density and parking requirements shall be met.
 - (2) A site plan shall be prepared for both the temporary structure and the permanent improvement. The site plan will include the building setbacks, parking and drainage. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.
 - (3) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include, but not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations.

10-1406 Prohibited Uses and Structures

- (a) Dwelling units, other than those provided in a hotel, motel, or tourist court permitted as a special exception.

- (b) Any other uses and structures not specifically permitted or permissible on appeal or any other use which in the opinion of the Board of Zoning Appeals would be detrimental to the industrial districts and adjacent districts.

10-1407 **Minimum Lot Requirements** None

10-1408 **Minimum Lot Width Measured at the Building Line** None

10-1409 **Minimum Yard Requirements** The minimum yard requirements shall be as follows:

- (a) Minimum required front yard - 35 feet
- (b) Minimum required side yard on each side of lots - 25 feet
- (c) No yard will be required for that part of a lot which is adjacent to a railroad siding.
- (d) On a lot adjacent to a residential district, all buildings shall be located so as to conform to the front and rear yard requirements of the adjacent residential district, and a minimum side yard of fifty (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in width may be included as the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than twenty-five (25) feet.
- (e) When a side lot line is shared with a residential lot, a well maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front building line and extending along the common side lot line to the rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.

10-1410 **Maximum Lot Coverage by All Buildings** On any lot the area occupied by all buildings shall not exceed fifty percent (50%) of the total area of such lots.

10-1411 **Maximum Height of All Structures** The maximum height of all structures shall be as follows:

1. No building or structure shall exceed forty-five (45) feet in height. Furthermore, any building or structure exceeding thirty-five (35) feet in height shall be erected only with certification from the City Fire Chief that such building or structure as proposed to be located, constructed or equipped, and particularly occupants of upper stories, can be properly protected in case of fire.
2. No accessory building shall exceed twenty-five (25) feet in height.
3. Free standing poles, spires, towers, monuments, water tanks, windmills, smokestacks, derricks, conveyors, antennas and similar structures not designed for, or suitable for human occupancy may exceed these height

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

4. These provisions shall not apply to chimneys, church spires, belfries, cupolas and domes which are not intended for human occupancy.

10-1412 **Minimum Off-Street Parking Requirements** As required in Section 10-210 (General Provisions Relating to Zoning) of this Ordinance.

10-1413 **Minimum Off-Street Loading Requirements** As required in Section 10-212 (General Provisions Relating to Zoning) of this Ordinance.

10-1414 **Limitations on Signs and Billboards** As regulated in Section 10-218.

10-1415 **Site Plan Review** Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission or the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Bolivar.

CHAPTER 15

AREAS OF SPECIAL FLOOD HAZARD

ARTICLE I STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

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

Section B Findings of Fact

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

Section C Statement of Purpose

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

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

Section D. Objectives

The objectives of this Ordinance are:

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

ARTICLE II DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Existing Structures" see **"Existing Construction"**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size

flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

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

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

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

ARTICLE III GENERAL PROVISIONS

Section A Application

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

Section B Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Bolivar, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47069C0145C, 47069C163C, 47069C164C, 47069C0235C, and 47069C0251C, dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C Requirement for Development Permit

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

Section D Compliance

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

Section E Abrogation and Greater Restrictions

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

Section F Interpretation

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

Section G Warning and Disclaimer of Liability

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

Section H Penalties for Violation

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

ARTICLE IV ADMINISTRATION

Section A Designation of Ordinance Administrator

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

Section B Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question;

existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

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

2. Construction Stage

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

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

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

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

Section C Duties and Responsibilities of the Administrator

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

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

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

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

ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

Section B. Specific Standards

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

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

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

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest

adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

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

3. Elevated Building All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

2) The bottom of all openings shall be no higher than one foot above the finish grade; and

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

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

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

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured

home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

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

5. Standards for Subdivisions

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

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

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

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

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

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

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

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

- 1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will

not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V. Section B.

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

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

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

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a

clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, **and "Elevated Buildings"**.
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in Article III are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. And Article V. Section A. shall apply.

Section H Standards for Unmapped Streams

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

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

ARTICLE VI VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Bolivar, Tennessee.

Section A Board of Zoning Appeals

1. The Bolivar Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B **Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE VII LEGAL STATUS PROVISIONS

Section A Conflict with Other Ordinances

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

Section B Validity

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

Section C Effective Date

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

CHAPTER 16

PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW

10-1602 **Statement of Purpose and Goals** The following procedures and standards are established for those sections and Chapters of this Ordinance which require the submission and approval of a site plan prior to the issuance of a Building Permit or submission and approval of a site plan prior to the issuance of a Building Permit or certificate of occupancy. The site plan must be prepared and stamped by either a licensed engineer or a licensed surveyor. The Bolivar Municipal/Regional Planning Commission shall act in the official review of all required site plans and shall have the power to approve or disapprove all required site plans according to the terms specified herein. All site plans submitted for the location of any Use Permitted on Appeal shall be reviewed and approved according to its conformance with the terms specified herein by the Bolivar Municipal/Regional Board of Zoning Appeals before the issuance of a Building Permit or certificate of occupancy. Every site plan submitted to the Building Inspector of the City of Bolivar shall become the property of the City of Bolivar and shall be maintained in the permanent files of the Building Inspector of the City of Bolivar. Site plan approval, once granted, shall be in effect for a period of one (1) year from the date of the approval granted by the Planning Commission or (for Uses Permitted on Appeal) by the Board of Zoning Appeals.

10-1602 **Contents**

- (a) The site plan shall include:
- (1) Name of development and address.
 - (2) Name and address of owner of record and the applicant.
 - (3) Scale of 1" – 100'.

 Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
 - (4) Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
 - (5) Courses and distances of center lines of all streets.
 - (6) All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, and reservations.
 - (7) The acreage or square footage of the lot.
 - (8) Sufficient grade and elevation information to demonstrate that the property will properly drain and if available can be connected to the public sewer system to provide gravity discharge of waste from the building. Proposals utilizing a subsurface sewage system shall indicate Hardeman County Department of Environment and Conservation

approval. Topography to be shown by dashed lines illustrating 2 (two) foot contours and/or spot elevation.

The site plan shall show the location, dimensions, site and height of the following when existing and/or when proposed:

- a. Sidewalks, streets, alleys, easements and utilities.
- b. Buildings and structures including the front (street) elevation of proposed building.
- c. Public sewer systems.
- d. Slopes, terraces, and retaining walls.
- e. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
- f. Courses and distances of center lines of all streets.
- g. All building restriction lines (yard setbacks and rights-of-way) right-of-ways and highway setback lines, easements, covenants, and reservations>
- h. The acreage or square footage of the lot.
- i. Sufficient grade and elevation information to demonstrate that the property will properly drain and if available can be connected to the public sewer system to provide gravity discharge of waste from the building. Proposals utilizing a subsurface sewage system shall indicate Hardeman County Department of Environment and Conservation approval. Topography to be shown by dashed lines illustrating 2 (two) foot contours and/or spot elevation.
- j. Water mains and fire hydrants.
- k. The following when applicable:
 - (1) Number of dwelling units.
 - (2) Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
 - (3) Number of commercial or industrial tenants and employees.
- l. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100 year, base flood elevation level if any portion of the site lies within the FEMA-designated special flood hazard area.
- m. Proposed grading plan.

Site Plan Review Authority

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

The Planning Commission shall have the power to require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

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

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

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CHAPTER 17

EXCEPTIONS AND MODIFICATIONS

- 10-1701** **Lot of Record** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance in accordance with Section 10-1604. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.
- 10-1702** **Front Yards** The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within the one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth in such cases shall be the average of the existing front yard depths on the developed lots, but in no case less than ten (10) feet.
- 10-1703** **Group Housing Project** In the case of a group housing project of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided or where the existing or contemplated street and lot layouts make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeal in a manner which will be in harmony with the character of the neighborhood and intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such districts.
- 10-1704** **Specifically Designed Residential Developments** It is the intent of this ordinance to permit variations in the design of residential development that would conform to the spirit, but not to the exact letter of the yard and space requirements of this ordinance, including, but not limited to such variations as building alignments that include setbacks of less than those required when compensated for by other setbacks of more than those required and the pooling of required yard spaces to provide large undivided open areas. Such variances may be granted by the Board of zoning Appeals after consultation with the Planning Commission. Any such variances shall be granted only if proper protection can be afforded and the standards of open space are at least as high as those required by this Ordinance for the district in which is located the property for which the variance is requested.

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

CHAPTER 18

ENFORCEMENT

- 10-1801** **Enforcing Officer** The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the Board of Mayor and Aldermen. The Building Inspector shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.
- 10-1802** **Building Permit Required** It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.
- 10-1803** **Issuance of Building Permit** In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this ordinance and other ordinances of the City of Bolivar, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
1. The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.
 2. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
- 10-1804** **Certificate of Occupancy** No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certification of occupancy stating that such land, building or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance. Within five (5) 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 certification of occupancy if the land, building or part thereof and the proposed use thereof are found in conformance with the provisions of this ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.
- 10-1805** **Records** A complete record of such application, sketches, and plans shall be maintained in the office of the Building Inspector.

10-1806 **Penalties** Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day's violation continues shall constitute a separate offense.

10-1807 **Remedies** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

CHAPTER 19

BOARD OF ZONING APPEALS

- 10-1901** **Creation and Appointment** A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, at least one (1) of whom is a member of the Bolivar Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the City Council. The term of membership shall be three (3) years except that the initial individual appointments to the Board shall be terms of one, two and three years respectively. Vacancies shall be filled for any un-expired term by the Mayor in confirmation by the City Council. All members shall be legal residents of Bolivar.
- 10-1902** **Procedure** Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.
- 10-1903** **Appeals: How Taken** An appeal to the Board of Zoning Appeals may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeal was taken. The Board shall fix a reasonable time for the hearing of the appeals giving seven (7) days public notice thereof by publishing at least once in a newspaper of general circulation in the municipality, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.
- 10-1904** **Powers** The Board of Zoning Appeals shall have the following powers:
- (a) **Administrative Review** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
 - (b) **Special Exceptions** To hear and decide applications for special exceptions 1904 upon which the Board of Zoning Appeals is specifically authorized to pass.
 - (c) **Variances** To hear and decide application for variance from the terms of this ordinance, but only where by reason of exceptional narrowness,

shallowness or shape of a specific piece of property which was at the time of the adoption of this ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

- (1) In granting a variance, the Board shall attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.
- (2) Before any variance is granted it shall be shown that circumstances are attached to the property which does not generally apply to other property in the neighborhood.
- (3) The Board of Zoning Appeals shall not have the power to permit a use prohibited by this Ordinance, has the power to expand a non-conforming use or have the power to subdivide land.

CHAPTER 20

AMENDMENT

- 10-2001** **Procedure** Regulations, restrictions, and boundaries as are provided for in the zoning regulations may be amended supplemented, changed, modified or repealed. Petitions requesting an amendment to the zoning regulations shall be prepared in duplicate on a form provided for this purpose which may be obtained from the office of the City Clerk. The petition shall set forth reasons for requesting the amendment and explain how such change will better protect and enhance the public health, safety, and welfare. The petition shall be addressed to the City Council and shall be filed as a permanent record, and the other copy will be forwarded by the City Clerk for action by the Planning Commission.
- 10-2002** **Planning Commission Review** No such amendment shall become effective unless the same be first submitted for approval, disapproval or recommendations to the Bolivar Planning Commission. If the Bolivar Planning Commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the City Council to become effective, if the Bolivar Planning Commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submission, the action of such amendment by said commission shall be deemed favorable.
- 10-2003** **Public Hearing on Proposed Amendment** Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the City Council shall publish a notice of such request for an amendment, on the required change. Said notice shall be published in a newspaper of general circulation in the City of Bolivar, Tennessee. Said hearing by the City Council shall take place not sooner than fifteen (15) days after the date of publication of such notice.

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CHAPTER 21

AIRPORT HEIGHT REGULATIONS AND AIRPORT CLEAR ZONE (AHR) DISTRICT

10-2102 **Purpose** The purpose of this district is to establish regulations which will reduce or eliminate hazards to air navigation to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents.

10-2102 **Application of Regulations.**

- (a) This district shall overlay land included within the airport hazard zones as shown on the zoning map. The regulations contained in this Section shall apply to such land in addition to the regulations contained in the underlying zoning district of such land. Where there is a conflict between the provisions of this Section and those of the underlying zoning district, the zone contained the more restrictive height regulations shall apply.
- (b) The provisions of this Section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airport hazard zones established by this section.
- (c) If a structure or tree is located in more than one of the zones established by this Section, the zone containing the more restrictive regulations shall apply to such structure or tree.

10-2103 **Airspace Obstruction Zoning.** In order to carry out the purposes of this Section, the following airspace zones are established, and schematically presented on the Airspace Obstruction Zoning Map. Except as otherwise provided in this Ordinance and except as necessary and incidental to airport operations, no structures or objects of nature growth shall be constructed, altered, maintained, or allowed to grow in any land area created in this Section so as to project above any of the imaginary airspace surfaces described in this Section. In those cases where an area is covered by more than height limitation, the more restrictive limitation applies:

- (a) **Primary Surface Area.** The imaginary surface longitudinally centered on a runway extending two hundred (200) feet beyond each end. The elevation of any point on the primary surface is the same as the elevation of the highest point on the runway centerline. The primary surface land area is that land which is directly below the primary surface.

The width of the primary surface, symmetrical about runway centerline, is:

- (1) 500 feet from Runway 18
- (2) 500 feet from Runway 36

(b) Horizontal Zone: All the airspace which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height 650 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center line of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet from Runway 18.
2. 5,000 feet from Runway 36.

The horizontal zone land area is the land which lies directly below the horizontal surface.

(c) Conical Zone: All the airspace which lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

The conical zone land area is that land which lies directly beneath the conical surface.

(d) Approach/Departure Zone: All the airspace which lies directly under an imaginary approach/departure surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width an elevation as, and coincides with the end of the primary surface.

The approach/departure surface expands uniformly (flares outwardly) with a width of:

1. 2,000 feet of a horizontal distance of 5,000 feet from primary surface edge of Runway 18.
2. 2,000 feet if a horizontal distance of 5,000 feet from primary surface edge of Runway 36.

The approach/departure surface inclines upward at a slope of:

1. 20:1 for Runway 18.
2. 20:1 for Runway 36.

The approach/departure zone land area is that land which lies directly beneath the approach/departure surface.

(e) Transitional Zone: All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway centerline (and the extended runway centerline) at a slope of 7:1 from the sides of the primary surface and from the side of the

approach/departure surface until they intersect the horizontal surface of the conical surface.

The transitional zone land area is that land which lies directly beneath the transitional surface.

10-2104 **Land Use Safety Zoning**

(a) Safety Zone Boundaries In order to carry out the purpose of this Ordinance as set forth above and also, in order to restrict those uses may be hazardous to the operational safety of aircraft operating to and from the Bolivar-Hardeman County Airport, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

1. Safety Zone A - All land in that portion of the approach zones of a runway, as defined in Subsection 2103 hereof, which extends outward from the end of primary surface a distance equal to:

- a. 1,000 feet for Runway 18.
- b. 1,000 feet for Runway 36, etc.

2. Safety Zone B - All land in that portion of the approach zones of a runway, as defined in Subsection 2103 hereof, which extends outward from Safety Zone A a distance equal to:

- a. 3000 feet for Runway 18.
- b. 3000 feet for Runway 36, etc.

3. Safety Zone C - All that land which is enclosed within the perimeter of the horizontal zone as defined in Subsection 2103 hereof, and which is not included in Zone A or Zone B.

10-2105 Marking and Lighting The owner of any structure or tree which exceeds the height limits established by this Section shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

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CHAPTER 22

LEGAL STATUS PROVISIONS

- 10-2201** **Conflict with Other Ordinances** In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Bolivar, the most restrictive shall in all cases apply.
- 10-2202** **Validity** If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.
- 10-2203** **Effective Date** This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

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END NOTES:

- ⁱ 03-006 First Reading: June 10, 2003, Public Hearing and Final Reading July 8, 2003
- ⁱⁱ 04-007 First Reading: July 13, 2004, Public Hearing and Final Reading September 14, 2004
- ⁱⁱⁱ 04-008 First Reading: September 14, 2004, Public Hearing and Final Reading October 12, 2004
- ^{iv} 04-008 First Reading: September 14, 2004, Public Hearing and Final Reading October 12, 2004
- ^v 04-008 First Reading: September 14, 2004, Public Hearing and Final Reading October 12, 2004
- ^{vi} 04-008 First Reading: September 14, 2004, Public Hearing and Final Reading October 12, 2004
- ^{vii} 08-001 First Reading: January 8, 2008, Public Hearing and Final Reading February 12, 2008
- ^{viii} 06-002 First Reading: January 10, 2010, Public Hearing and Final Reading February 14, 2006
- ^{ix} 06-002 First Reading: January 10, 2010, Public Hearing and Final Reading February 14, 2006
- ^x 06-002 First Reading: January 10, 2010, Public Hearing and Final Reading February 14, 2006