

ZONING ORDINANCE

DECATUR, TENNESSEE

(THESE REGULATIONS, DATED JULY 1995, HAVE REPLACED THE PREVIOUS REGULATIONS TITLED "THE ZONING ORDINANCE OF THE TOWN OF DECATUR, TENNESSEE. THESE NEW REGULATIONS ARE CONSIDERED COMPLETE AND IN-FORCE AT THE TIME OF ADOPTION, AND ARE SUBJECT TO CHANGE FROM TIME TO TIME. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OR DEVELOPER TO CHECK FOR ANY AMENDMENTS WHICH MAY HAVE OCCURRED IN ANY ARTICLE OR SECTION PRIOR TO ANY DEVELOPMENT OCCURRING.)

PREPARED BY THE:

DECATUR MUNICIPAL PLANNING COMMISSION

JULY 1995

(As amended through 3/11/03)
(As amended through 8/12/03)
(As amended through 2/17/04)
(As amended through 5/11/04)
(As amended through 6/14/05)
(As amended through 9/13/05)
(As amended through 11/14/06)
(As amended through 7/10/07)
(As amended through 6/10/08)
(As amended through 11/13/08)
(As amended through 6/12/12)
(As amended through 1/13/15)
(As amended through 12/14/21)
(As amended through 3/8/22)

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APPENDIX

- A. Extract NFPA 50-8 (2004 Edition)

See also:
Decatur Mobile Home Ordinance
Flood Hazard Prevention Ordinance

ZONING ORDINANCE
OF THE TOWN OF DECATUR, TENNESSEE

ARTICLE 1

INTRODUCTION

1.01 AUTHORITY

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED IN SECTIONS 13-7-201 THROUGH 13-7-210, **TENNESSEE CODE ANNOTATED**, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF DECATUR, TENNESSEE; TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE SIZE OF OPEN SPACES, THE DENSITY OF POPULATION AND THE USES OF LAND, BUILDINGS AND STRUCTURES: TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF DECATUR, TENNESSEE, AS FOLLOWS:

1.02 TITLE

This ordinance shall be known as the "Municipal Zoning Ordinance of the Town of Decatur" dated February 1995. The map herein referred to as the "Municipal Zoning Map of Decatur, Tennessee," dated February 1995, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

This ordinance shall repeal and supersede the previous ordinance entitled "The Zoning Ordinance of the Town of Decatur, Tennessee."

1.03 PURPOSE

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

conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

1.04 ENACTMENT

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

ARTICLE 2

DEFINITIONS

Unless otherwise stated, the following words shall for the purpose of this ordinance 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.

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

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

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

Addition (to an existing building). (Added Ordinance No. 183) 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."

Adult. (added 4/10/01) Any person eighteen (18) years of age or older.

Adult-Oriented Establishments. (added 4/10/01) Sexually explicit establishments which cater to an exclusively or predominantly adult clientele, including but not limited to: adult bookstores, adult motion picture theaters, adult mini-motion picture and video establishments, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, videos, or other visual media, as defined in *TCA 7-51-1102* and *TCA 7-51-1401*, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. It also includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, or any other term of like import as well as other enterprises which regularly feature materials, acts or displays involving complete nudity, specified sexual activities, or exposure of specified anatomical areas:

1. Specified anatomical areas including less than completely and opaquely covered:
 - a. Human genitals and pubic region
 - b. Buttocks
 - c. Female breast below a point immediately above the top of the areola; and

- d. Human male genitals in a discernibly turgid state; and/or sexual excitement or enticement.
2. Specified sexual activities include:
- a. Human genitals in a state of sexual stimulation or arousal
 - b. Acts of human masturbation, sexual intercourse or sodomy
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts

Advertising. Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures, or on buildings, structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

Automobile Service Station. (Amended 2/12/13) Any area of land including structures thereon, that is utilized for the retail sale of gasoline, compressed natural gas, oil (but not butane or propane fuels), or automobile accessories, the location of electric charging stations and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair.

Automobile Wrecking, Junk, and Salvage Yards. Any lot or place which is exposed to the weather and upon which more than three motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, dismantled, sold, or found.

Average Ground Elevation. The elevation of the mean finished grade at the front of a structure.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation. When used for commercial activities, a basement shall be counted as a story.

Body Piercing. (Added 8/12/03) The piercing of any part of the body for compensation by someone, other than a physician licensed under title 63, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

Building. Any structure having a roof supported by columns or walls, including tents, lunch wagons, dining cars, mobile homes, both single, double-wide, and/or modular homes, and similar structures whether stationary or movable.

Building Area. (Added Ordinance No. 183) The building area is the total square footage of a structure proposed to be built on a lot. Such structure includes, but is not limited to, primary, accessory, and additions.

Building Inspector. The Zoning and Codes Officer or his authorized representative appointed by the Decatur Board of Mayor and Aldermen.

Building, Main, or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is situated.

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

Caliper. The diameter of the trunk of a tree or shrub at 2 feet above ground level.

Campground. A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Commercial Feed Lot. Any plot of land on which livestock are fed or fattened for market utilizing food products not grown on site.

Canopy spread. The diameter of vegetative cover.

Country Club. A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, clubhouse, pool, dining facilities, cocktail lounge.

Coverage. The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

Customary Home Occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling provided that the space used is incidental to residential use. See section 4.12 – Customary Home Occupations

Day Nursery. Any place, home, or institution which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

Dwelling. A building or portion thereof designed or used primarily as living quarters for one or more families. A dwelling must contain quarters for living, sleeping, housekeeping accommodations and sanitary facilities. For the purpose of this ordinance the word “dwelling” shall not include a travel trailer, hotel, motel, tourist court or any ready-removable storage building not originally intended for human habitation. Any structure meeting the definition of a “manufactured home” or “mobile home” shall be subject to regulations as such.

1. **Apartment.** A housing structure containing four (4) or more separate dwelling units.
2. **Dwelling Unit.** That area in a dwelling structure designed and constructed for the occupancy of one family.
3. **Group Housing Development.** Two (2) or more dwellings located on the same tract in one ownership and constructed as a planned development.
4. **Mobile Home, Single-Wide.** A “manufactured home,” as defined in this ordinance and TCA 68-126-202, that is constructed as a self-contained unit and mounted on a single chassis which may be prohibited in certain zoning districts in accordance with TCA 13-24-201. This shall not be construed to include double-wide or manufactured homes that arrive in multiple units or sections.
5. **Mobile Home, Double-Wide.** See “Manufactured Home.”
6. **Mobile Home Park.** A place or tract of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.
7. **Mobile Home Subdivision.** A subdivision of land specifically created to accommodate mobile homes on individual lots, which are sold in fee simple. Such subdivisions shall meet all of the requirements of the Decatur Subdivision Regulations.
8. **Modular Unit. (sectional or relocatable home):** A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term does not apply to temporary structures used exclusively for construction purposes or nonresidential farm buildings.
9. **Motor Home.** A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. See also "recreational vehicle" or "RV."

10. **Manufactured Home.** As defined by the Uniform Standards Code for Manufactured Homes Act, TCA 68-126-202, a structure, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A manufactured home for the purpose of this ordinance does not include a manufactured unit to be used in conjunction with a commercial or industrial activity. In accordance with TCA 13-7-201 and for the purposes of this ordinance, a manufactured home that is constructed as a single self-contained unit and mounted on a single chassis is considered a “mobile home and subject to regulations as such. See Mobile Home Ordinance in Appendix.

Electric Vehicle Charging Station. (Added Ordinance No. 188 2/12/13) A public or private parking space located together with battery charging station equipment that has as its primary purpose the transfer of electricity (by conductive or inductive means) to a battery or other storage device in an electric vehicle. A restricted electric vehicle charging station is privately or publicly owned and available to the public.

Family. One or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a board or lodging house, hotel, club, or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

Flea Market. (Added 8/12/03) Any premises, open air or under roof, where the principle use is the occasional or periodic sale of new and used household goods, clothing and apparel, personal effects, tools, works of art or craft, small household appliances and similar merchandise, objects, or equipment in small quantities, broken lots or parcels, but not in bulk, for use or consumption by the immediate purchaser. Sales of prepared foods for immediate consumption or home baked goods may be allowed. This shall not include sidewalk sales, and occasional yard sales and charity sales held on the owner or sponsor’s premises or on a public sidewalk immediately adjacent to said premises.

Footcandle. The measure of light per square foot.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

Game. (Added 8/12/03)Any amusement machine, video or device operated by means of insertion of coins, tokens, prepaid card, or similar object or pool or billiard tables for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines that do not incorporate gaming or amusement features or any coin operated mechanical or electrical musical device.

Game Room. (Added 8/12/03) Any place where three (3) or more games are displayed for use by the public and fees from the use or play, whether or not another business is conducted on the premises.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Hardship. A lot-of-record that is less than one-half (½) acre in size, or has an extraordinary configuration as determined by the BZA, and does not exceed 150 feet in depth.

Health Department. The Meigs County Health Department.

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Household Metals. (Added 2/11/14) Items that are customarily used in a residential dwelling, comprised of any quantity of ferrous or nonferrous metal and are not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

Industrial Metals. (Added 2/11/14) Pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Landscaping. Beautification of a tract of land by decorative planting which meets or exceeds the standards established in the zoning ordinance.

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

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

Lot Area. The total surface area land included within lot lines.

Lot Corner. A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

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

Lot Width. The width of a lot at the building setback line measured at right angles to its depth.

Luminaire. A complete lighting system including a lamp(s) and a fixture.

Medical Facilities.

1. **Convalescent, Rest, or Nursing Home.** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
2. **Dental Clinic or Medical Clinic.** A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.
3. **Hospital.** An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities and staff offices which are an integral part of the facility.
4. **Public Health Center.** A facility primarily utilized by a health unit for the provision of public health services.

Methadone Treatment Clinic or Facility. (Added 2/11/14) A licensed facility for the counseling of patients and the distribution of methadone for outpatient, nonresidential purposes only.

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

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions or detrimental effects on the social, economic, or psychological well-being of individuals.

Off-Street Parking Space. A yard, space, or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

Open Space. An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this

ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

Pain Management Clinic. (Added 2/11/14) Added (as found in Tennessee Code Annotated at § 63-1-301) – A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve-month period. A pain management clinic does not include:

- A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
- A hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
- Hospice services as defined in TCA § 68-11-201;
- A nursing home as defined in TCA § 68-11-201;
- A facility maintained or operated by the state government; or
- A hospital or clinic maintained or operated by the federal government.

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

Parking Space. An off-street space available for parking one motor vehicle and having an area of not less than one hundred sixty-two (162) square feet (9' X 18') exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley. (Amended Ordinance No. 215)

Planning Commission. The Decatur Municipal Planning Commission.

Plat. A map, plan, plot, or layout indicating the location and boundaries of individual properties.

Point by point footcandle diagram. A simple plat or photometric drawing that displays the footcandle reading.

Pool Hall. (Added 8/12/03) Any place where a game or games of billiards, bagatelle, pool or other games played on tables requiring the use of cue and balls. The term does not include any such table in a private residence that is not open for use by the general public.

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

Public Uses. Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Public view(s). The prevailing view(s) that is (are) directly in sight of the general public.

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (i.e., travel trailers, camping trailers, truck campers, and motor homes.)

Recycling Center. (Added 2/11/14) An establishment, place of business, facility or building which is maintained, operated, or used in part or exclusively for the storing, keeping, buying or selling of newspaper, used food or beverage containers, plastic containers, metals, chemicals, industrial metals or any other similar products for the purpose of converting such items into a usable product either on site or through shipment to another facility. Nothing in this definition is meant to include hazardous wastes.

Right-of-Way. The strip of land over which a public road is built.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches, curbing and guttering, which is utilized to transport motor vehicles.

Sanitary Landfill. An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Environment and Conservation.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system of a type approved by the State Department of Environment and Conservation.

Setback. The required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a structure must be erected or placed. (For the purposes of this ordinance, setbacks are not applicable to fences.)

Screen. A partition (e.g. a wall or fence) and/or vegetation used to protect established neighborhoods, existing properties, and the public view.

Screening shrubs. A shrub with a minimum height of 8 feet and a canopy spread of not less than 5 feet at maturity.

Screening trees. Trees used for screening or buffering between property uses because of their density and opacity. Minimum height at installation is 8 feet.

Shade trees. Trees that provide additional opacity and shade. Minimum height at installation shall be 12 feet with a 2-inch caliper. Minimum height at maturity: 35 feet with a canopy spread of 20 feet.

Shelter, Fall-Out. A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Sign, Billboard, or Other Advertising Device. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of

advertising device, but does not include the flag, pennant, or insignia of any nation, state, town or other political unit.

Skirting. An enclosure permanently constructed from weather resistant materials, similar in nature and design to the mobile home, which encloses the space directly beneath the mobile home.

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board, that he will meet certain enumerated safeguards or qualifying conditions.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of building" is measured or if it is used for commercial purposes.

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

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Swimming Pool, Outdoor. Any pool or open tank not located within a completely enclosed building capable of containing water to a depth of greater than one and one-half (1-1/2) feet at any point.

Tattoo Studio. (Added 8/12/03) Any room or space where tattooing, any method of placing designs, letters, figures, symbols, cosmetics or any other marks under the skin of a person with ink or color by the aid of needles or instruments, is practiced or where the service of tattooing is conducted.

Telecommunications Structure. (Added 10-10-00) A building, tower, or other structure and equipment used for the transmission, re-transmission, broadcast, or promulgation of telephone, telegraph, radio, television, or other electronic communications signals. (See Code 47 in the Standard Land Use Coding)

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

Travel Trailer. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet (220 sq. ft.), excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

Travel Trailer Park. A place or tract of land upon which two (2) or more travel trailers, occupied for temporary living or sleeping purposes are located.

Truck Camper. A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

Usable Floor Space. Floor space used for retail sale or display; includes permanent outdoor sales area, but excludes outdoor motor vehicle sales areas.

Use. The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Video Arcade (Added 8/12/03) Any place where three (3) or more games using computer technology and type of video display are available for use by the public, whether or not another business is conducted on the premises.

Yard, Front. The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

Yard, Rear. The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The required space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

3.01 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, Decatur, Tennessee is hereby divided into six (6) districts designated as follows:

<u>DISTRICT ABBREVIATION</u>	<u>ZONING DISTRICT</u>
R-1	Low Density Residential District
R-2	High Density Residential District
C-1	Central Business District
C-2	General Commercial District
C-3	Highway Commercial District
I-1	General Industrial District

3.02 PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS

For flood hazard and floodway district boundaries see the adopted "Decatur Zoning Map." For regulations governing the flood hazard areas see the adopted Decatur Flood Hazard Prevention Ordinance contained in the Appendix of this Zoning Ordinance.

The lines for the flood hazard districts simply overlay the basic zoning district and any proposed uses are to meet the requirements of the underlying district (R-1, R-2, etc.) as well as the requirements of the Flood Hazard Prevention Ordinance. The approximate location of the flood hazard boundaries are shown on the zoning map and were taken from the Federal Emergency Management Administration (FEMA) Map entitled, Flood Insurance Rate Map, Decatur, Tennessee, Community Number 470134 0001 E, dated June 3, 1986 and all subsequent updates. For the exact location of these boundaries, refer to the Flood Insurance Rate Map.

3.03 ZONING DISTRICT MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled, Zoning Map of Decatur, Tennessee. The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained in town hall and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

3.04 BOUNDARIES OF DISTRICTS

1. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the centerlines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the

time of the enactment of this ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

2. Where a district boundary divides a lot, as existing at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended twenty (20) feet into the more restricted district within said lot.
3. Where property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block and any property in the rear thereof facing or fronting the intersecting, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industrial and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have the authority to determine on which street the business or industrial use shall face or front so that the spirit of the ordinance shall be observed.

ARTICLE 4

GENERAL PROVISIONS APPLYING TO ALL DISTRICTS

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

4.01 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, whether operated for or without compensation.

4.02 ONE PRINCIPAL STRUCTURE FOR EACH LOT (amended 6/14/05)

Only one (1) principal building and its customary accessory building may be erected on any lot. See also Sections 4.15 (Group Housing Projects) and 4.16 (Planned Shopping Centers).

4.03 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 this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

4.04 REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING

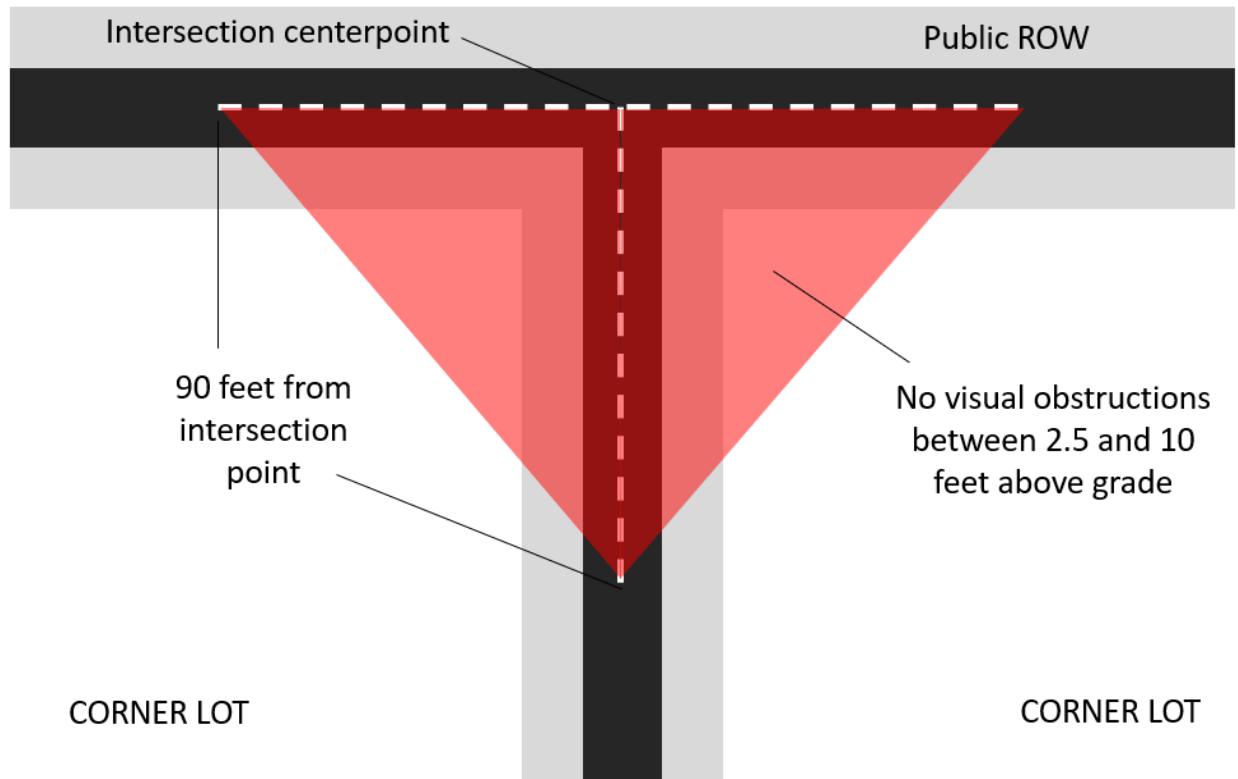
No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.

4.05 REAR YARD ABUTTING A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street.

4.06 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED.

On a corner lot in any district, within the area formed by the centerlines of the intersecting or intercepting streets and a line joining points on such centerlines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of two and one-half (2-1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.



4.07 OFF-STREET PARKING REQUIREMENTS

1. **Amount Required.** 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 or occupancy to another, permanent off-street parking space of at least one hundred sixty-two (162 square feet per space (9' X 18')) with vehicular access to a street or alley for the specific uses as set forth below. For lots 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.

Dwelling	Not less than one (1) space for each single family dwelling; and not less than one and one-half (1-1/2) spaces for each unit in multi-family dwellings and apartments.
Boarding Houses, Rooming Houses	Not less than one (1) space for each room or unit occupied by boarders or roomers.
Tourist Accommodations	Not less than one (1) space for each room or unit offered for tourist accommodations.
Office Buildings Manufacturing or Other Industrial Building Or Use	Not less than one (1) space for each two (2) persons employed computed on the basis of total number of employees on the two largest consecutive shifts. In addition, there shall be provided vehicle storage or standing space for all vehicles used directly in the conduct of such office or industrial use.
Retail Uses (Amended Ordinance No. 215)	One (1) space for each two hundred (200) square feet of usable floor space in the Central Business District (C-2) and C-3 Highway Commercial District. In the C-1 Central Business District Zone one space for each three hundred (300) square feet of usable floor space is required.
Theaters, Auditoriums, Stadiums, Churches or Other Use Designated to Draw an Assembly of Persons	Not less than one (1) space for each five (5) seats provided in such place of assembly.
Public Building	Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building.
Medical Offices	Three (3) patient's parking spaces per staff doctor, plus two (2) spaces per three (3) employees.
Funeral Homes	One (1) space for each company vehicle plus one (1) space for each three (3) seats in meeting room.
Service Stations	Five (5) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.
Offices	One (1) space for each two hundred (200) square feet of office space.
Restaurants (Amended Ordinance No. 215)	One (1) space per one hundred fifty (150) square feet of usable floor area, plus one (1) space for each two (2) employees.

2. **Combination of Parking Space.** 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. **Remote Parking Space.** 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. **Requirements for Design of Parking Lots.**

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area (9' X 18').
3. The parking lot shall be drained to eliminate surface water.
4. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4.09.
5. Adequately engineered permeable pavement surfaces are permitted. Shared parking and grass pavers for overflow/spillover parking may be permitted subject to Planning Commission approval.

5. **Reduction of Minimum Parking Requirements. (Added Ordinance No. 215)** For uses in industrial and commercial zones, the minimum amount of parking *may* be reduced up to twenty percent if the applicant can provide information for one or more of the following circumstances. The Planning Commission shall consider such evidence and make a determination of the reduction in parking spaces. In all applications, the burden of proof is on the applicant to justify the proposed reduction and approval of a reduction is not guaranteed:

1. A study from a transportation engineer showing that a proposed lower minimum parking requirement would be sufficient for the use;
2. Information submitted by the applicant of the use in a similar market area and population demographic to that of the Town of Decatur in which fewer parking spaces have been adequate;
3. Provision of a permanent dedicated overflow parking area which utilizes pervious or permeable pavers or other low impact landscaping;
4. Shared parking arrangement with an adjacent property in which the minimum parking standards can be met. A shared parking arrangement in a form approved by the Planning Commission must be completed between the relevant property owners and the Town of Decatur.

4.08 OFF-STREET LOADING AND UNLOADING SPACE

Every building or structure used for business or trade shall provide adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street.

4.09 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 drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
2. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than five hundred (500) feet but more than one hundred (100) feet in width. Lots less than one hundred and seventy (170) feet in width shall have no more than one (1) access to a public street. **(Amended Ordinance No. 206 1/13/15)**
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb 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 town streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
6. Cases requiring variances relative to this action and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.
7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation or the provisions of this ordinance whichever is higher.

4.10 ROAD FRONTAGE REQUIREMENTS

All residential uses must front on a public street for a distance of at least thirty-five (35) feet.

No building shall be erected on a lot which does not abut at least one street, for a distance of thirty-five (35) feet, unless an easement at least forty (40) feet in width to a street is provided and such easement is accepted as a public thoroughfare. Such a building shall conform to the lot and yard requirements of the district in which it is located.

The only exceptions to this frontage requirement are flag lots, provided that the access strip is a minimum of 20 feet in width along its entire length, and properties located in the C-1 and C-2 districts for which there are no minimum lot width or side yard requirements.

4.11 CONFORMANCE WITH THIS ORDINANCE

No building or structure, whether conforming or non-conforming, shall be changed, expanded, or any way altered except in conformance with all provisions of this ordinance. *(An example of a violation of this provision would be the division of a single dwelling unit into two (2) or more units except in conformance with this ordinance.)*

4.12 CUSTOMARY HOME OCCUPATIONS

A customary home occupation is a gainful occupation or profession conducted by members of a family residing in the premises and conducted entirely within the principal dwelling unit. In connection with a customary home occupation, no stock in trade shall be displayed outside the building, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the above restrictions and is compatible with the district in which said home occupation is located. However, activities such as dancing instruction, group band instrument instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable customary home occupation.

4.13 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the town; to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

1. Applicability – Effect

A sign may be erected, placed, established, painted, created, or maintained in the town only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance is:

- (a) To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
- (b) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement

for permits;

- (c) To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
- (d) To prohibit all signs not expressly permitted by this ordinance.
- (e) To provide for the enforcement of the provisions of this ordinance.

2. **Definitions**

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Article 2 of the Zoning Ordinance shall be given the meanings set forth. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this section.

Abandoned sign. Any sign, on-premises or off-premises, including the sign frame, which is vacant or no longer correctly directs, exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available at the premises to which the sign refers.

Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not an animated sign for the purposes of this ordinance.

Banner. A temporary sign of any lightweight fabric or similar material mounted on a pole(s) or building that does not include rigid supporting materials. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also any light with one or more beams that rotate or move.

Billboard. An off-premise freestanding sign designed to advertise products, services or businesses not located on the premises on which the sign is located. This sign is also designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual commercial message.

Border. An edge or line constituting the perimeter of a sign.

Building marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building sign. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Business. A for-profit, charitable or governmental organization involved in the provision of goods or services.

Business façade. An exterior wall of a place of business, which wall has a doorway for pedestrian access and faces an adjacent public street, public walkway or parking lot. A series of connected walls located in parallel or generally parallel planes shall be deemed a single business façade.

Canopy sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Commercial message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or their commercial activity.

Construction sign. A sign with a message identifying the person or firm associated with a specific construction project.

Development sign A sign with a message or information regarding the development of residential real property.

Directional sign. A sign, other than a government sign, not more than four (4) feet square which provides directions for traffic flow to places of business. These shall be limited to logo and direction.

Directory sign. A sign listing individual businesses within a single building or complex. Directories shall not exceed twenty-five (25) square feet per face and a total directory sign shall not exceed fifty (50) square feet.

Erect. To build, construct, hand, place, enlarge, alter, attach, suspend, paint, post or display.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Garage sale sign. A sign with a message advertising the sale of personal property by a resident on his/her property.

Graphic design Any artistic design or portrayal painted on an exterior wall, fence, awning, window or other structure which is visible from any public right-of-way, and which has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, persons or organization.

Incidental sign A sign, generally informational, that has a purpose secondary to the use of the zone in which the lot on which the sign is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off said lot on which the sign is located shall be considered incidental.

Indirect lighting. Any source of external illumination located a distance away from the sign, which lights the sign, but which is not visible to persons viewing the sign.

Internal lighting A source of illumination entirely within the sign which makes the sign(s) visible at night by emanating light outward. The source of illumination shall not be visible.

Marquee Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any sign utilizing changeable copy painted on or attached to or supported by a marquee, a marquee meaning a permanent roof-like shelter extending from part or all of a building face and may or may not project over the public right-of-way.

Menu board. A permanently mounted sign advertising the bill of fare for a restaurant, drive-in, or drive-thru restaurant. A menu board shall not be counted in any total aggregate sign area for the business.

Nameplate. A sign with a message that identifies only the name and/or address of the occupant.

Neon sign. Any sign illuminated or lighted by the excitation of any gas whether neon or some other type of gas.

Nonconforming sign. Any sign that does not conform to the requirements of this ordinance.

Off-premise sign. A sign which is locate on a different lot or parcel of land on which the product, service or activity is described.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wires, or string, usually in series, designed to move in the wind.

Permanent sign. Any sign for which a sign permit is issued with no time limit in accordance with the provisions of this section. Any mention of signs in this section shall be considered to mean permanent signs unless a time limit is specified or reference is made to “temporary signs.”

Place of Business. Means either:

- (a) A building or portion thereof occupied by one business having exclusive entry and exit (e.g. none of its doorways and hallways used by another business) to and from the exterior of the building; or

- (b) A building or portion thereof occupied by two or more businesses having any entrance and exit to and from the exterior of the building shared by the businesses (e.g. doorways or hallways used in common).

Political sign. A sign with a message advocating a particular candidate, party or proposition.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted in vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting sign Any sign affixed to a building or wall in such a manner that its leading edge extends more than nine (9) inches beyond the surface of such building or wall.

Public sign A sign posted by a government (e.g. traffic signs and legal notices) and signs indicating utility locations.

Reader board A sign constructed to display an advertising message that may be changed by the manual, electronic or other manipulation of letters or numbers on its face(s).

Real estate sign A temporary sign with a message announcing the offer to build on, sell, rent, or lease the premises on which it is displayed.

Residential sign Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all the requirements of the zoning ordinance.

Roof Sign Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Shopping center Six or more businesses located on one or more parcels of land sharing common vehicular access from the street and/or common parking facilities. A single shopping center shall be deemed to include all businesses to which the common access and parking are available.

Sign Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Special event sign A banner or sign with a message identifying a civic or public event or holiday.

Streamers a narrow double faced or circular strip or lightweight material designed to float in the wind with or without wording.

Suspended sign A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign Any sign that is used only temporarily and is not permanently mounted.

Wall sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one surface.

Window Sign Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Provided however, that merchandise displayed for sale is excluded.

3. Sign Permit Required.

- (a) It is unlawful to erect any new sign or modify the appearance of an existing sign without first securing a sign permit. Normal maintenance of a sign in conformance with the original appearance shall not be deemed a modification requiring a sign permit.
- (b) Permits for signs shall be submitted to the Town of Decatur Recorder, or his/her designee, for review and approval. The recorder shall determine and require conformity with standards for mode of display, size, height, illuminations and design based upon the standards stated in this section for similar signs. Permits shall be approved promptly when found in compliance with the provisions of this section by the recorder.
- (c) Permanent signs shall be subject to a one-time fee, unless changed or modified in ways other than those allowed under Section (a) above or in Section 4. In this event a new permit is required. Up to five (5) banners per business shall be permitted at any one time in commercial and industrial zones for an annual permit fee. Said fee shall be due and payable on the first business day in January of each year.

4. Application for Sign Permit / Temporary Permits

An application for a sign permit shall be made to the Town Recorder, or his or her designee for approval. The recorder shall submit any sign permit applications with questionable characteristics to the Decatur Municipal Planning Commission for approval.

(a) Permits: An application for a sign permit will include the following:

- (1) An application fee in an amount set by resolution by the Board of Mayor and Alderman.
- (2) Two (2) drawings showing a rendition of the proposed sign along with a written description of the proposed site, materials, and methods of support and/or attachment to any permanent structure shall be required for signs valued at less than \$500. For signs valued at \$500 or more two (2) drawings or grids of the sign showing all faces and supporting structures. For signs to be erected upon a building, a drawing of the building face, which drawing includes all existing and proposed signs, and sign dimensions, including the height of the signage.
- (3) A site plan of the property showing width of business façade(s) and the locations and sizes of all existing and proposed signs.
- (4) A graphic rendition of the sign especially describing colors, materials and measurements.
- (5) A description of the type and amount of illumination, if any.
- (6) Address of the site for the proposed signage.
- (7) The applicant's name, name of business, business address and work telephone and fax, and e-mail address.
- (8) For an annual banner permit the application may omit sections (2), (3) and (5) (direct illumination of banners is not permitted). The application shall show the approximate location of all banner(s) to be located on the property, and dimensions including height above grade of the largest banners to be displayed in lieu thereof.

(b) Temporary Permits: The Town Recorder or his/her designee may issue temporary sign permits special event signs for any event requiring a sign for period of 14 day or less, provided however, he/she may refer such an application to the Decatur Municipal Planning Commission for their approval. A temporary sign permit may be authorized for not more than fourteen (14) consecutive days and twenty-eight (28) days during any twelve (12) month period. The maximum number of temporary sign locations at any one time, shall be five (5).

5. Exempt Signs

When not containing a characteristic of a prohibited sign and when non illuminated and containing no reflective paint or facing, and when complying with the height limitations specified in the ordinance, the following signs may be erected without a sign permit:

- (a) On-site directional signs, provided they are no larger than four (4) square feet in total area.
- (b) Flags of all nations, states and political jurisdictions.
- (c) One garage sale sign for each residence, not to exceed six (6) square feet, temporarily erected on site for not more than one (1) week during any consecutive thirty (30) day period.
- (d) Nameplates identifying occupant's name or address.
- (e) Political signs, each not exceeding thirty-two (32) square feet, located on private real property with the owner's permission, and no closer than five (5) feet to the public right-of-way.
- (f) Public signs: A temporary or permanent sign posted by a government (e.g. traffic signs and legal notices). This definition shall also include signs indicating utility locations as well as signs erected by developers working on a public street which give temporary warning or traffic information
- (g) One (1) on-site real estate sign not exceed nine (9) square feet.
- (h) One (1) off-site real estate sign when a dwelling does not have frontage on a public street, provided the sign is located on private property with written permission of the property owner.
- (i) Memorial plaques, corner stones, historical tablets and the like. This includes a building marker, meaning any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (j) Any signs required by law.
- (k) Signs located on private properties which are not visible from any public right-of-way.
- (l) Barber poles
- (n) Pump-topper signs: a sign affixed to the top or side of an operable fuel dispensing pump provided such sign shall not exceed three (3) square feet in area.

- (o) Changing the copy on a bulletin board, poster board, display encasement, or marquee.
- (p) A sign on a truck, bus or other vehicle while in use in the normal course of business. This section should not be interpreted to permit parking of vehicles for display purposes in a district where such signs are not permitted.
- (q) Temporary decorations or displays clearly incidental, customary and commonly associated with national, local or religious holiday celebrations.
- (r) Window signs and displays incorporating placards, merchandise or models of products or services.
- (s) Development/Construction signs for development project when erected temporarily on-site after issuance of building permits. This sign shall be removed prior to occupancy. Development signs for individual single family residences shall not exceed six (6) square feet in size. All other development signs for all other types of construction shall not exceed twenty-five (25) square feet in size.
- (t) Incidental signs. This means a sign, generally informational, that has a purpose secondary to the use of the zone in which the lot on which the sign is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off said lot on which the sign is located shall be considered incidental.
- (u) Graphic Design
- (v) Sandwich Boards: Self-supporting, A-shaped freestanding temporary signs with only two visible sides that are situated adjacent to a business, on the sidewalk. The maximum area of a sign shall be no more than six (6) square feet per side of the sign with a maximum height being forty-two (42) inches.

6. Prohibited Sign Characteristics

The following characteristics are prohibited on all signs, as they violate the stated purposes of these sign regulations.

- (a) Hazards to exits and entrances: no sign shall be erected in such a manner that any portion of the sign or any support it is attached to, will interfere with, the free use of any fire escape, entrance, exit or standpipe. No sign shall be erected which will obstruct any required stairway, door ventilator, window or fire escape.
- (b) Hazards to traffic: no sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct,

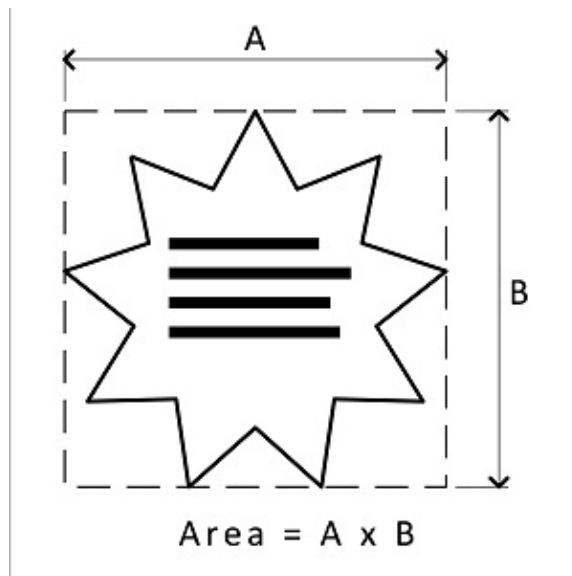
confuse or mislead traffic. All signs shall conform to the height limitation of this ordinance. See also Section 16-104 of the Decatur Town Code, Trees, etc. obstructing view at intersections prohibited.

- (c) Roof signs: signs mounted on top of a roof or false roof structure shall be prohibited.
- (d) Portable signs: signs erected upon trailers or portable rigs with intent to promote the business of any commercial establishment shall be prohibited.
- (e) Illumination: signs with flashing lights or changing colors shall be prohibited. This does not include signs whose illumination indicates only the time, temperature, or date. Electronic signs displaying the price of fuel at automobile service stations are allowed.
- (f) Abandoned signs shall be prohibited.
- (g) Streamers, pennants and similar signs shall be prohibited.
- (h) No permanent signs shall be erected on public right-of-way or where the any part of the sign encroaches beyond the property on which it is located except when an allowed sign may be suspended over a sidewalk pursuant to the provisions of this ordinance.

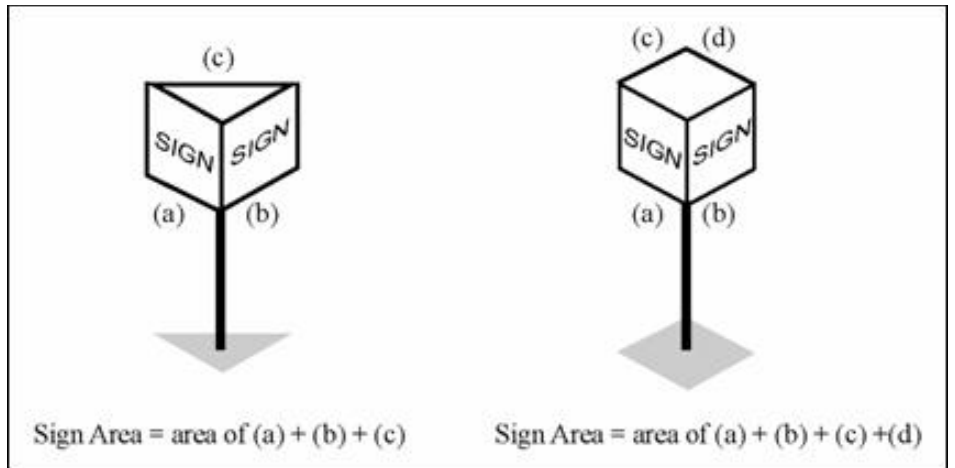
7. **General Sign Requirements**

The following regulations apply to all signs which require a sign permit and do not classify as exempt.

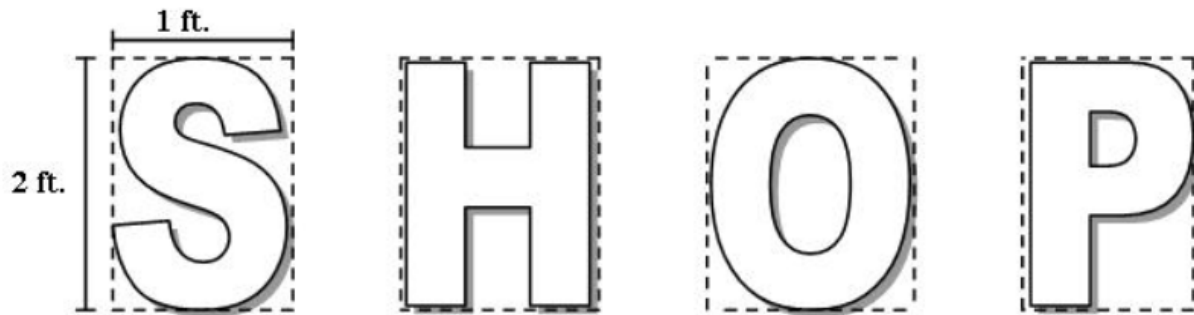
- (a) Calculating Sign Area: For the purpose of applying sign size regulations, the following criteria shall be used calculate sign area:
 - (1) For single-faced signs, area shall be determined by measuring the area of the smallest rectangle which will enclose the sign face including borders. A single-face sign is constructed so its message is displayed in a single plane and is viewable from only one side of the plane.



- (2) Double-faced sign area shall be determined from within the outermost perimeter of a single face including borders multiplied by two (2). A double-faced sign is constructed to display its message(s) on the outside surfaces of two (2) identical and/or opposite parallel planes, provided the planes are not more than eighteen (18) inches apart.
- (3) Multiple-faced signs area shall be determined from the sum of the areas within the outer-most perimeter of each face including borders. A multiple-faced sign is a sign constructed to display its message either on a curved surface or on two or more planar surfaces, excepting signs that qualify as double-faced.



(4) If a sign is composed of individual letters or symbols using the wall as a background with no added decoration, the total sign area shall be the sum of the areas of the of the smallest rectangles which enclose each individual letter or symbol.



- (b) Height and Ground Clearance: A minimum ground clearance of seven (7) feet is required for any sign projecting over a sidewalk or other pedestrian walkway. Height requirements for signs shall be measured from the lowest point of the grade level for the base of the support structure to the highest point of the sign.
- (c) Setbacks: Setback requirements herein described in the ordinance shall be measured from the property line to the nearest portion of a sign's support structure.
- (d) Illumination: Sign illumination shall be subject to the following limitations:
 - (1) Indirect lighting or external lighting sources shall be directed and shielded to prevent direct illumination of any object other than the sign.

- (2) Illumination intensity shall be less than that which causes glare to be reflected upon any adjacent property or public street.
- (3) Internal light sources shall not be of such intensity as to create traffic hazards.
- (4) In no event shall an illuminated sign or lighting device be so placed or directed so as to permit focused light to be directed or beamed upon a public street, highway, sidewalks, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance.

8. Allowed Signage and Specific Requirements

The following describes the various types of permitted signs and their requirements within specific Zoning Districts.

(a) Banner Signs:

- (1) Banner Signs are allowed in all commercial and industrial Zoning Districts provided that:
 - The size of any individual banner shall not exceed forty (40) square feet.
 - The number of banners displayed at any one time on one parcel at one location shall not exceed five (5).
 - Said banner(s) shall not block the sight distance for motorist at driveways or intersections.
- (2) Banner Sign Requirements in Residential Districts
 - Temporary banners may be authorized through the process outlined in Section 4(b) of this ordinance.

(b) Billboards:

- (1) Billboards are allowed in C-2, C-3 and I-1 Zoning Districts provided that:
 - No billboard shall exceed three hundred and forty (340) square feet in area.
 - Billboards shall be located no closer to any property line than one-half the distance for the required setback (for that district).

(2) Billboard Requirements in Residential Districts

- Billboards are prohibited in all residential districts

(c) Canopy Signs:

(1) Canopy signs are permitted in all industrial and commercial districts.

(2) Canopy Sign Requirements in Residential Districts

- Canopy signs are prohibited in all residential districts.

(d) Directory Signs:

(1) Directory Signs are permitted in all commercial and industrial zoning districts.

(2) Directory Sign Requirements in Residential Districts

- Directory signs are not permitted in residential districts.

(e) Free Standing Signs:

(1) Freestanding signs are allowed in all commercial and industrial Zoning Districts provided that:

- Freestanding signs shall not exceed twenty-five (75) square feet per face and total sign area shall not exceed one hundred and fifty (150) square feet total for all faces.
- Freestanding signs shall have a maximum height of twenty five (25) feet.
- Freestanding signs shall be located no closer to any property line than one-half the distance for the required setback (for that district).

(2) Free Standing Sign Requirements in the R-1 and R-2 Zoning Districts.

- Freestanding signs are allowed per the provisions of Section 7 of this ordinance.

- Freestanding signs shall be located no closer to any property line than one-half the distance for the required setback (for that district).

(f) Marquee Signs:

(1) Marquee Signs are allowed in all commercial and industrial Zoning Districts provided that:

- Marquee signs may be allowed by the Planning Commission where it can be shown a sign of this type is a necessary to complement an exterior décor, e.g. an apothecary symbol for a pharmacy, or for a book store. However, no such sign shall project more than 36 inches (3') from a wall of the building.

(2) Marquee Sign Requirements in Residential Districts

- Regulated per Section 7 of this ordinance.

(h) Menu Boards:

(1) Menu Boards are allowed in all commercial and industrial Zoning Districts provided that:

- Menu board signs may be a maximum of forty (40) square feet in area.
- Menu boards may have a maximum height of six (6) feet.
- Menu boards shall be no less than twenty (20) feet from the street right-of-way.
 - No more than two menu boards are allowed per business provided that neither is located on the front face of the building or in the front yard.

(2) Menu Board Requirements for Residential Districts

- Menu boards are prohibited in all residential districts.

(i) Neon Signs:

(1) Neon signs are allowed in the C-2, C-3 and I-1 Zoning Districts provided that:

- No flashing lights or changing colors are allowed as per Section 6(e) of this ordinance.

(2) Neon Sign Regulations for Residential Districts

- Neon signs are prohibited in residential districts.

(j) Off-Premise Signs: A sign which is located on a different lot or parcel of land on which the product, service or activity is described.

(1) Off-Premise Sign Regulations for Commercial and Industrial Districts

- Off-site signs are prohibited in commercial and industrial districts, except for billboards (as regulated in Section 6(b) and exempt signs. Only one billboard may be allowed per lot.
- Temporary signs permitted under section 4(b) are not considered an off-premise sign.

(2) Off-Site Sign Regulations for Residential Districts

- Off-site signs (except for real estate signs as allowed under 2(h) above) are prohibited in residential districts.

(k) Projecting Signs:

(1) Projecting signs are allowed in the all commercial and industrial Zoning Districts provided that:

- Projecting Sign shall not exceed thirty-six (36) square feet in size and project no more than forty-eight (48) inches from the wall of the building.

(2) Projecting Sign Regulations for Residential Districts

- Projecting signs are prohibited in all residential districts.

(l) Signs in a Shopping Center

(1) Regulations for Shopping Center Signs

- Each shopping center shall be allowed one freestanding directory sign not to exceed 25 feet in height or 300 square feet in area.

- Individual businesses in a shopping center are prohibited from having an individual freestanding sign.
- Other signage for individual tenants or businesses shall abide by the relevant regulations of this ordinance.
- The limitations of this section shall apply to each place of business located within a shopping center. All signs of a shopping center visible from a public right-of-way shall be coordinated in number, mode of display, location, colors, finish materials and illumination of each sign with all other signs and with the architecture of the center.
- An application for approval of a coordinated sign program shall be made to the Planning Commission and shall include the information described in the application for a sign permit except that when the design of an individual sign message is unknown the required application drawings shall depict only the sign location and maximum size of the sign face on the building.

(m) Suspended Signs:

(1) Suspended signs are allowed in all commercial and industrial Zoning Districts provided that:

- In any commercial or office building one (1) projecting, non-illuminated sign per entrance used shall be allowed.
- Suspended signs shall not exceed three (3) square feet in area.
- As per 5(b) above, all suspended signs shall have a minimum ground clearance of seven (7) feet.

(2) Suspended Sign Regulations for Residential Districts

- Suspended signs are allowed in residential districts to the extent of personal decoration for the residence. Any suspended sign displaying a commercial message, advertisement and/or related to a customary home occupation are prohibited in all residential districts.

(n) Wall and Building Signs:

- (1) Wall and Building Signs are allowed in all commercial and industrial districts provided that:
 - Standalone building's wall signs with two square feet of wall area shall be allowed for each horizontal linear foot of exterior wall length. If an exterior wall length is less than sixteen (16) feet, the maximum allowable sign area on that wall shall be thirty-two (32) square feet. Each individual face of a building is allowed one wall sign.
 - Each individual storefront in a shopping center may have a wall sign not to exceed thirty-two square feet in area.
 - Where there is frontage on more than one (1) street, only the signs computed with the frontage on that street shall face that street.
 - No wall sign shall exceed fifteen (15) feet in height.
- (2) Wall Sign Regulations in Residential Districts
 - Allowed per Section 7.

7. Residential and Apartments

Signs in residential zoning districts shall comply with the provisions of section 4.13 provided however, that no sign shall exceed seventy-five (75) square feet in area total for all faces. No freestanding or wall sign shall exceed fifteen (15) feet in height. Only schools, churches, country clubs, mobile home parks, subdivisions, apartment complexes/condominiums, and professional offices within residential districts may have freestanding and wall signs. Off-premises signs (except for real estate signs as allowed under 4(h) above), projecting signs, menu boards, suspended signs and canopy signs are prohibited in residential districts. Temporary banners as described in section 9 (b) are permitted.

8. Development and Construction Signs

Signs for development and construction sites are allowed as shown below:

- (a) Signs identifying a development are allowed and shall not exceed twenty-five (25) square feet in size. A development sign may be illuminated.
- (b) Signs permitted under this section a subject to all limitations contained in this ordinance unless otherwise exempted. Development and construction signs shall be removed within three (3) years after erection or after two-thirds (2/3) of the project has been sold or leased, whichever occurs first.

9. Sign Maintenance

The following standards are required for proper sign maintenance. Any person in violation of these standards is subject to penalties outlined in Section 9.10 and 9.11 of this ordinance.

- (a) The owner or person in possession of the property on which the sign is located shall maintain any signage whether or not a permit has been issued. Deteriorated or damaged paint and construction materials shall be replaced immediately. Failure to conform to the conditions of the permit or to this ordinance shall be a violation of the zoning ordinance, whether permitted or non-conforming.
- (b) Any damaged sign base shall be repaired within sixty (60) days.
- (c) Any metal pole covers and sign cabinets shall be kept free of rust and rust stains.
- (d) Any internally illuminated sign cabinets or sign panels that have been damaged shall not be illuminated until repaired.
- (e) Any signage that has been damaged to the extent that it may pose a safety hazard to passers-by, as determined by the recorder or his/her designee, shall be repaired or removed immediately.
- (f) Legal non-conforming signage that has been damaged or deteriorated to the extent that the cost of repair will exceed sixty-five (65) percent of its replacement cost, shall be either removed or altered to conform to the provisions of this section.
- (g) A sign may be removed for maintenance provided it is re-erected within forty-five (45) calendar days. Beyond this period of time a new permit shall be required.

9. Obsolete/Abandoned Signs

Any sign, whether existing on or erected/installed after the effective date of this ordinance, which advertises a business or activity no longer being conducted, or a product no longer being offered for sale on or from the premises on which the sign is located, shall be either modified to show the new business or activity on-site or removed within 90 days upon cessation of such business or sale of such product by the owner, agent, tenant or person having the beneficial interest in the business, property or premises on which such sign is located.

4.14 CORNER LOTS

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however, the side yard setback for a corner lot in a Residential district shall be twenty (20) feet when said side yard adjoins a local street.(Amended 2/17/04)

4.15 GROUP HOUSING PROJECTS

A group housing project of two (2) or more buildings to be constructed on a plot of land of at least two (2) acres not subdivided into customary streets and lots, and which will not be so subdivided, may be constructed provided:

1. It is located at the intersection of a major thoroughfare.
2. Off-street automobile parking space requirements for the proposed uses are provided on the lot; and
3. Where the project abuts a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district.

4.16 PLANNED SHOPPING CENTERS (amended 6/14/05)

A planned shopping center consisting of one (1) or more buildings to be constructed on a plot of land not subdivided into customary streets and lots may be constructed provided:

1. It is located at the intersection of a major thoroughfare.
2. Off-street automobile parking space requirements for the proposed uses are provided on the lot; and
3. Where the project abuts a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district.

4.17 ACCESSORY USE REGULATIONS.

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

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of uses of such principal use.
5. In a residential district no accessory use is permitted in the front yard, and any accessory use shall be not less than five (5) feet from any property line.
(Added 2/17/04)
6. Electric Vehicle Charging Stations are allowed as accessory uses in all commercial and industrial zoning districts. **(Added Ordinance No. 188 2/12/13)**

4.18 TEMPORARY USE REGULATIONS.

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

1. **Carnival or Circus:** May obtain a Temporary Use Permit in the C-2 district; however, such permit shall be issued for a period of not longer than fifteen (15) days.
2. **Christmas Tree Sale:** May obtain a 30-day Temporary Use Permit for the display of trees on open lots in any district.
3. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for a contractor's temporary office, and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project or upon expiration of the Temporary Use Permit, whichever occurs sooner.
4. **Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision. Such offices shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six-month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.
5. **Religious Tent Meetings:** In the C-2 or F-1 district, a Temporary Use Permit shall be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period.
6. **Seasonal Sale of Farm Produce:** In any district, except the I-1 General Industrial District, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five-month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.
7. **Temporary Dwelling Units in Cases of Medical Hardship:** In any residential district, a temporary use permit may be issued for a period not to exceed one-year, renewable on request, to place a mobile home (double-wides excluded) on a lot which already contains a residential structure. The purpose of such temporary placement shall be to make it possible for a resident of either structure to provide necessary medical and housekeeping assistance to a resident of the other structure as required by their physical or mental disability. And provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. An applicant for a temporary use permit

as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity, as evidence of such disability. The applicant must also provide the commission with either a) a written statement from the Meigs County Health Department approving the sewage disposal system of the proposed temporary structure or b) a statement from the Town recorder that public sewer is available to the proposed temporary structure. Said temporary mobile home shall be removed within forty-five (45) days following expiration or revocation of this permit. **(Added 04-10-01)**

4.19 AUTOMOBILE SERVICE STATION RESTRICTIONS. (Amended 10/12/21)

The following regulations shall apply to all automobile service stations:

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the fueling pump islands.
2. Fueling pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
3. Sign requirements as established in Article 4, Section 4.13, shall be met.
4. Any above ground storage tank of fuel shall be enclosed with screening to consist of a solid fence of a height at least six inches higher than the height of the storage device.
5. All storage tanks whether above ground or below ground, must comply with applicable regulations from the Tennessee Department of Environment and Conservation and the Environmental Protection Agency.
6. Any vehicles requiring overnight storage prior to service will require a screening fence or indoor storage.

4.20 SWIMMING POOL RESTRICTIONS.

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard in the R-1 and R-2 districts.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than three (3) feet in height and maintained in good condition.
3. Private and public swimming pools are permitted in the R-1, R-2, and C-2 districts.

4.21 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS.

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

1. General Standards for Evaluation.

- a. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- b. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- c. All outdoor storage of salvage and wrecking operations shall be conducted entirely within a screening fence per these regulations. Storage between the road or street and such fence, screen, or wall expressly is prohibited. Any fence, screen, or wall for screening purposes shall be properly painted or otherwise maintained in good condition.
- d. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.
- e. All such yards situated on any state route or highway shall meet all Tennessee Department of Transportation standards.

2. Off-Street Parking. As regulated in Article 4, Section 4.07 of this ordinance.

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

- a. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
- b. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet.

Driveways used for ingress and egress shall be limited to thirty (30) feet in width maximum, exclusive of curb returns.

4. Except for non-conforming yards, no automobile wrecking junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Decatur, except where a more stringent state or federal law applies.
5. **Application for Automobile Wrecking, Junk, or Salvage Yard Permit.** No person shall own or maintain an automobile wrecking, junk, or salvage yard within Decatur until he/she has secured a permit from the Decatur Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article 9, Section 9.06 of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be processed in the following manner:
 - a. The written application, plans, and schedules and a statement of approval of the site percolation and drainage characteristics from the Meigs County Health Department shall be submitted to the Decatur Municipal Planning Commission. The planning commission shall duly review these materials and submit its recommendations to the Decatur Board of Zoning Appeals.
 - b. The Decatur Board of Zoning Appeals shall grant final approval or disapproval of the permit after reviewing the planning commission's recommendation. If the decision of the Board of Zoning Appeals is contrary to the recommendation of the planning commission, then a favorable vote of a majority of the entire board membership shall be required before a permit may be granted or refused.

4.22 RECYCLING CENTERS. (Added 2/11/14)

1. Applicability

The regulations in this section apply to establishments which operate a recycling use in which the primary purpose of the establishment is recycling or recycling serves as an accessory use. Nothing in this section applies to or is meant to impede common household recycling, or the placement of recycling collection bins in commercial, private, or public locations when such bins do not constitute a substantial use of the facility.

2. Districts Permitted

For the collection of aluminum cans, steel cans, glass, paper, clothing, and plastics: Permitted by right in C-2, C-3, and I-1 zones.

For the collection of household metals: Use Permitted on Review in C-3, I-1 zones.

For the collection of industrial metals: Use Permitted on Review in I-1 zones.

3. General Standards for Evaluation

- a. All recyclable materials stored or kept in recycling centers shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not

constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

b. No recycling center for household metals or industrial metals shall be located within 300 feet of a residential zone.

c. The operation of a recycling center shall be conducted entirely within an enclosed opaque fence, screen or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for screening purposes shall be properly painted or otherwise maintained in good condition.

d. All such yards situated on any state route or highway shall meet all Tennessee Department of Transportation standards.

4. Off-Street Parking. As regulated in Article 4, Section 4.07 of this ordinance.

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

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

b. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet.

Driveways used for ingress or egress shall be limited to thirty (30) feet in width maximum, exclusive of curb returns.

4.23 DEVELOPMENT STANDARDS FOR CEMETERIES.

1. The following standards shall be imposed upon the development and construction of cemeteries in Decatur.

a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, the site shall have direct access to a thoroughfare.

b. Any new cemetery shall be located on a site containing not less than twenty (20) acres.

c. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

d. All graves of burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

e. All required yards shall be landscaped and maintained.

2. **Application for Cemetery Permit.** No person shall develop, construct, or maintain a cemetery in Decatur until he/she has secured a permit from the Decatur Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article 9, Section 9.06 of this ordinance, and shall be accompanied by a detailed site plan, a schedule for construction and other information herein required. Said application shall be processed in the following manner.
 - a. The written application, plans, schedules, and other written information, as herein required, shall be submitted to the Decatur Municipal Planning Commission. The planning commission shall duly review these materials and submit its recommendation to the Decatur Board of Zoning Appeals.
 - b. The Decatur Board of Zoning Appeals shall grant final approval or disapproval of the permit after reviewing the planning commission's recommendation. If the decision of the Board of Zoning Appeals is contrary to the recommendations of the Decatur Municipal Planning Commission, then a favorable vote of a majority of the entire board membership shall be required before a permit may be granted or refused.

4.24 SITE PLAN REQUIREMENTS. (Amended 9-14-21)

Purpose: The purpose of these regulations is to ensure the appropriate adherence to the Town of Decatur zoning ordinance, building codes and to promote proper planning. A site plan is required to show how development will impact the property on which it is proposed, its impact on adjacent land and property owners as well as the development's impact on the internal and external transportation system. The Planning Commission will review all site plans to ensure proper adherence to the zoning ordinance and the impact on the aforementioned areas.

Furthermore, the Zoning Administrator shall inspect all development before and during construction for compliance with all regulations. Per the request of the Zoning Administrator, the City Recorder, Mayor, Planning Commission or planning staff, additional components of a site plan may be required for submission to the Planning Commission for review.

Before the beginning of any construction, it is highly recommended that a developer consult with the appropriate town officials. A developer will not be required to submit additional elements of a site plan following approval by the Planning Commission.

Depending on the nature or intensity of the proposed land use, or when there is uncertainty as to building setbacks, easements, property lines, or utility locations, the enforcement officer or planning commission may require that a site plan be prepared and stamped by a licensed engineer, surveyor, or architect.

Exceptions: The following uses shall be exempt from the site plan requirements and may instead submit a sketch plan as provided in Section 4.24.5 below:

1. Detached single-family residences, including mobile homes
2. Duplexes
3. Accessory structures and uses

All development in a C-1, C-2, and I-1 zones are required to submit a site plan pursuant to these regulations. These requirements cover the development of all new structures whether primary, accessory, or an addition to a current structure as defined in Article II of this ordinance.

It shall be unlawful for any person to construct, erect, or alter any building or structure, or to develop, change or improve land except in accordance with the approved final site plan. No permit shall be issued to erect or alter any building or structure until a site plan has been submitted and approved in accordance with this ordinance.

1. Site Plan Submission and Staff Review

The applicant shall submit three copies of the proposed site plan to Decatur City Hall no later than **14 calendar days prior** to the next regularly scheduled planning commission meeting. Staff shall

distribute one copy to the enforcement officer and one copy to the SETD planner. The third copy shall be kept at town hall for inspection by other reviewing officials.

Staff shall review the proposed site plan and provide any comments or suggested revisions to the applicant, allowing sufficient time to address the comments and make revisions before the planning commission meeting.

On the day of the planning commission meeting, the applicant or his representative shall bring five copies of the revised site plan, or more if requested by planning staff.

2. Site Plan Review and Approval by Planning Commission

The planning commission shall review the site plan for compliance with all applicable requirements of this ordinance. During its review, the planning commission may request recommendations from planning staff, the enforcement officer, and other appropriate officials. The planning commission may take the following actions on site plans:

- A. **Approve**: If the site plan meets all applicable requirements of this ordinance, the planning commission may vote to approve the site plan.
- B. **Conditionally Approve**: If the site plan is found to substantially comply with all applicable requirements and only minor revisions are needed, the planning commission may grant approval “subject to” submission of a final, revised site plan to planning staff and/or the enforcement officer. Staff shall inspect the revised site plan. If all of the required revisions have been made, staff shall notify the planning commission chairman and secretary that the site plan is in compliance and is ready to be signed.
- C. **Refer to Board of Zoning Appeals (BZA)**: If a development requires a variance or special exception permit, the planning commission shall review all other site plan components for compliance with this zoning ordinance and may then vote to approve the site plan “subject to” receiving any required variances or special exception permits from the BZA. If the BZA grants the variance or approves the special exception permit, the site plan shall be approved. If the variance is denied, the site plan may be resubmitted to the planning commission once any required changes have been made.
- D. **Table**: If the planning commission determines that more information is required, or if planning staff or the enforcement officer requests time to perform additional research, the planning commission may table consideration of the site plan until the following meeting.

Note: Once tabled, the site plan may not be revised. If a site plan requires revisions, it is suggested that the applicant withdraw the site plan and resubmit once corrections have been made.

- E. **Deny**: If the site plan or the proposed development is found not to be in compliance with this zoning ordinance, the planning commission shall deny approval of the site

plan. Amended or revised site plans may be submitted following the regular application process.

Planning commission actions taken on all site plans, including any reason(s) for denial, shall be recorded in the meeting minutes.

At no time will the Planning Commission waive the requirement for a site plan or sketch plan.

3. Signing and Distribution of Approved Site Plans

Once a site plan has been approved, the planning commission secretary shall inscribe each site plan with his or her signature along with the date at which the site plan was approved by the planning commission. Once signed, the secretary or town recorder shall distribute one signed copy to each of the following: Planning Commission Secretary, Enforcement Officer, Planning Staff, Town Recorder.

4. Site Plan Content

Site plans shall contain the following components and information, as applicable. The planning commission may require missing items be added or other corrections made as a condition for approval.

- A. Name, address, and contact information of the owner of record and the applicant.
- B. Name, contact information, and original stamp of the licensed engineer, surveyor, or architect who prepared the site plan.
- C. Name of the development and physical address of the site.
- D. Tax map and parcel ID number of the property to be developed.
- E. 24-hour contact information for the responsible project manager.
- F. Current zoning of the site and all abutting properties.
- G. Date, graphic scale, and north point.
- H. Courses and distances of all property lines and street centerlines.
- I. All property setback lines, easements, covenants, reservations and rights-of-way.
- J. The area of site in acreage or square feet and the total calculated area of land disturbance.
- K. Topography of existing ground and paved areas and elevations of streets, alleys, utilities, buildings, and structures. When required by the planning commission, 5-foot contours shall be shown.

- Z. Certification of Zoning Compliance, to be signed and dated by the planning commission secretary.

Certification of Zoning Compliance	
This site plan and the development shown hereon has been found to be in compliance with all applicable standards of the Town of Decatur Zoning Ordinance and was approved by the Town of Decatur Municipal Planning Commission on the date indicated.	
_____	_____
Secretary, Decatur Municipal Planning Commission	Date

All site plans shall show storm drainage requirements as found in the Decatur Subdivision Regulations, Chapter 7, Section 7.07.

5. Sketch Plans

Sketch plans contain less detail than a site plan and do not require planning commission approval; instead, they may be administratively approved by the enforcement officer. Sketch Plans may be prepared by the applicant and do not require a stamp from a surveyor, architect, or engineer.

Uses for which a Sketch Plan is Permitted:

- All uses listed as Exceptions to the site plan requirement in Section 4.24.

6. Review and Approval by Enforcement Officer

Sketch plans shall be submitted to the **enforcement officer** with the building permit application. The **enforcement officer** shall review the sketch plan for compliance with this zoning ordinance. If the sketch plan complies with all applicable requirements, the sketch plan may be administratively approved.

If the sketch plan or other materials submitted by the applicant leave uncertainty as to whether a proposed development is in full compliance with this ordinance, the enforcement officer, at his or her sole discretion, may require a full site plan be submitted and, additionally, may withhold administrative approval and instead require the site plan be presented to and approved by the planning commission.

Sketch plans for a development requiring a variance or special exceptions permit shall be referred to the BZA. Upon approval of the sketch plan by the enforcement officer or BZA, and after the submission of any other required materials, a building permit may be issued.

If the proposed development for which the sketch plan has been submitted is in conflict with any provision of this ordinance, the enforcement officer shall deny approval of the sketch plan and building permit. A letter with the reasons for denial shall be provided to the applicant as well as the town recorder and planning commission secretary.

7. **Sketch Plan Contents**

1. The size and shape of the lot.
2. The size, shape, location, and use of any existing or proposed buildings or structures on the site, or modifications thereto.
3. The property's zoning classification and the zoning of all adjacent properties.
4. Distance(s) between structure(s) as well as the distances from front, side, and rear property boundaries.
5. The applicant's name and contact information.
6. The street address of the property and tax parcel ID number.
7. Driveways and parking spaces, where applicable.
8. Location of well and septic system, where applicable.
9. The intended use of all structures.

4.25 **TELECOMMUNICATIONS STRUCTURES.** (Added 10-10-00)

1. The purpose of these regulations is to (1) protect residential areas and land uses from potential adverse impacts of telecommunications structures; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers in the town by encouraging the joint use of telecommunications structures; (4) minimize visual pollution through careful design, siting, screening and camouflaging of towers; and (5) to minimize potential damage to adjacent properties
2. **Use on Review.** Construction and operation of a telecommunications structure in any zoning district shall be considered a "use on review" by the planning commission. The commission shall ensure compliance with the standards of this section prior to granting a special use permit allowing such a structure. Factors to be considered in granting the permit include , but are not limited to: (1) height of the proposed structure, (2) proximity to residential structures, (3) nature of land uses, topography, and foliage on adjacent and nearby properties (4) design of the tower and especially design characteristics reducing visual obtrusiveness, (5) proposed ingress and egress, and (6) availability of shared use, co-location or alternative technologies not requiring use of towers.
3. **Shared Use.** The applicant shall submit documentation the applicant has attempted to obtain shared use of an existing or planned telecommunications structure(s) in the Town

or Meigs County and that such shared use has been denied. Shared use is not precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed telecommunications structure(s) for shared use. The planning commission may consider expert opinion on the reasonableness of fees and modifications costs. Shared costs exceeding the cost of new tower development shall be presumed to be unreasonable. Shared use of existing telecommunications structures may be technically impractical where supported by technical documentation from a licensed professional independent of the applicant. The applicant shall provide the planning commission a list of all telecommunications structures owner's contacted, the date of such contact, the form and content of said contact and the results of said contacts.

4. **Buffering and Landscaping.** Ground structures and buildings shall have special care to minimize the effects on adjacent areas. All ground structures shall be buffered with a minimum of an eight-(8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines or other ground covers that blends and enhances the appearance of the ground structures within the buffered area. The buffer shall be installed for permanent year-round protection of adjacent property by visually shielding internal structures from adjoining property, to a height of eight (8) feet or the height of the proposed accessory structures, whichever, is greater. Shrubs shall also be planted and maintained around any guy anchor for visual screening purposes. The landscaping provisions of this section may be varied or reduced by the planning commission if (1) the proposed plan provides for unique and innovative landscaping treatment or physical features, that meet the intent and purpose of this section, or (2) the location is in a well-forested area or shielded by topography from adjoining properties and public streets.
5. **Co-location.** The co-location of towers and antennas shall be permitted only on existing and proposed telecommunications structures or on power line structures and water towers over thirty-five (35) feet in height. Where antennas or telecommunications structures are to be co-located on an existing powerline structure or water tower, the maximum height shall not exceed the height of said structure plus twenty (20) feet.
6. **Aesthetics.** Towers shall have either a galvanized steel finish or, subject to any Federal Aviation Administration regulations, be painted a neutral color so as reduce obtrusiveness. The tower site, the design of the buildings and related structures shall to the extent possible, use materials, colors, textures, screening and landscaping that will breakup the outline of the structure and blend the structure(s) into the setting, to make it as visually unobtrusive as possible.
7. **Fee.** A non-refundable fee of six hundred dollars (\$600) shall accompany any application for a new telecommunications structure.
8. **Security.** Towers and associated ground structures shall be enclosed by security fencing not less than eight (8) feet in height, equipped with an appropriate anti-climbing device(s); provided however, the planning commission may modify this requirement as it deems appropriate. Climb-proof shields may be substituted for a security fence around guy anchors.

9. **Separation Distance.** A telecommunications structure shall be separated from another communications structure by a distance of not less than 300 percent (%) of the height of the tower.
10. **Setbacks.** All towers and accessory structures shall be setback from the property lines a distance as required by the zoning resolution for that district or a distance equal to twenty (20) percent of the tower height, between the base of the telecommunications structure and the property line, whichever is greater. Provided however, that (1) no tower may be located closer than 1,500 feet from an existing residence, except when topography or other physical features as may be determined by the planning commission, the commission may reduced this distance, or (2) when a tower is constructed adjacent to an area zoned residential, a place of public assembly, or a public road, the minimum distance between the tower and said residence or road shall be equal to one hundred (100) percent of the tower height plus ten (10) feet. Guy anchors shall meet the setback requirements of the district in which the tower is located.
11. **Site Plan.** The applicant shall submit with an application for a special use permit, a site plan containing the information required in Section 4.23 above AND, except for a structure co-located on an existing tower, power line or water tower; the following additional data:
 - a. Be drawn by a surveyor or licensed professional engineer to a scale of 1-inch = 100 feet or larger.
 - b. A letter from a professional engineer certifying the height of the tower and the structure meets all the standards prescribed in latest edition of the Southern Standard Building Code, the Electronic Industries Association, and any applicable standards and regulations of the Federal Aviation Administration and the Federal Communication Commission; and describing the tower's capacity including the number and type of antennas that can be accommodated.
 - c. A letter of intent from the owner, binding successive owners, allowing for the shared use of the tower.
 - d. Setbacks, distance to the nearest residence(s), and distance to the nearest telecommunications structure and the owner of said tower.
 - e. Landscaping and security plan.
 - f. Nature of uses on adjacent properties, topography and surrounding tree coverage and foliage.
 - g. Show type and height of the proposed tower with aesthetic design factors.
 - h. Any other data required by this section.
12. **Exceptions.** The provisions of this part shall not apply to antennas or towers under 40-feet in height, or antennas or towers for use by state and local government and cooperative utility districts located by public buildings or co-located on public buildings or water

towers. Pre-existing towers shall be allowed continue their use as they presently exist, however, new construction or expansion of a pre-existing telecommunications structure shall comply with this ordinance.

13. **Signs.** No signs shall be allowed on a telecommunications structure.

14. **Removal of Obsolete Towers**

- a. Any tower that is no long in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Town of Decatur with a copy of the notice of intent to the Federal Communications Commission (FCC) to cease operations and shall be given ninety-(90) days from the date that operations cease to remove the obsolete tower and accessory structure(s). Provided that if another operator submits a request for a telecommunications structure during this time period, a reasonable period of time may be granted to negotiate the sale of said tower to a new operator. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
- b. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (e.g. letter of credit or bond), shall be provided by the applicant, to ensure prompt removal of the tower after operation of the tower has ceased. The amount of the surety shall be determined by the planning commission in the site plan review process.

4.26 LANDSCAPING AND FENCING (Amended 9-14-21)

- 1. **Intent.** The purpose of landscaping and screening is to
 - a. Accommodate growth while providing protection to established neighborhoods and property owners, to include glare from lighting;
 - b. Encourage quality development by ensuring attractive and complementary landscaping; and
 - c. Enhance the scenic beauty and attractiveness of Decatur.
- 2. **Applicability.** The landscaping requirements of this ordinance shall apply to all land and land uses in the Town of Decatur, except detached single-family residences and duplexes. New commercial, industrial, and multifamily residential developments (excluding duplexes) shall comply with all landscaping requirements.

Building renovations and additions resulting in the expansion of gross floor area (GFA) shall comply with the landscaping requirements to the extent reasonably feasible and in accordance with the Maximum Obligation set forth in Section 4.26.10.

3. **General Landscaping Requirements**

Preservation of existing woodlands and natural areas is encouraged and may be used as a substitute for these landscaping requirements, subject to the approval of the planning commission.

All landscaping shall be installed at the developer's expense and in accordance with accepted planting practices.

Maintenance and upkeep of landscaped areas shall be the responsibility of the individual property owner. Dead trees, bushes, and shrubs shall be removed and replaced in accordance with the provisions of this ordinance.

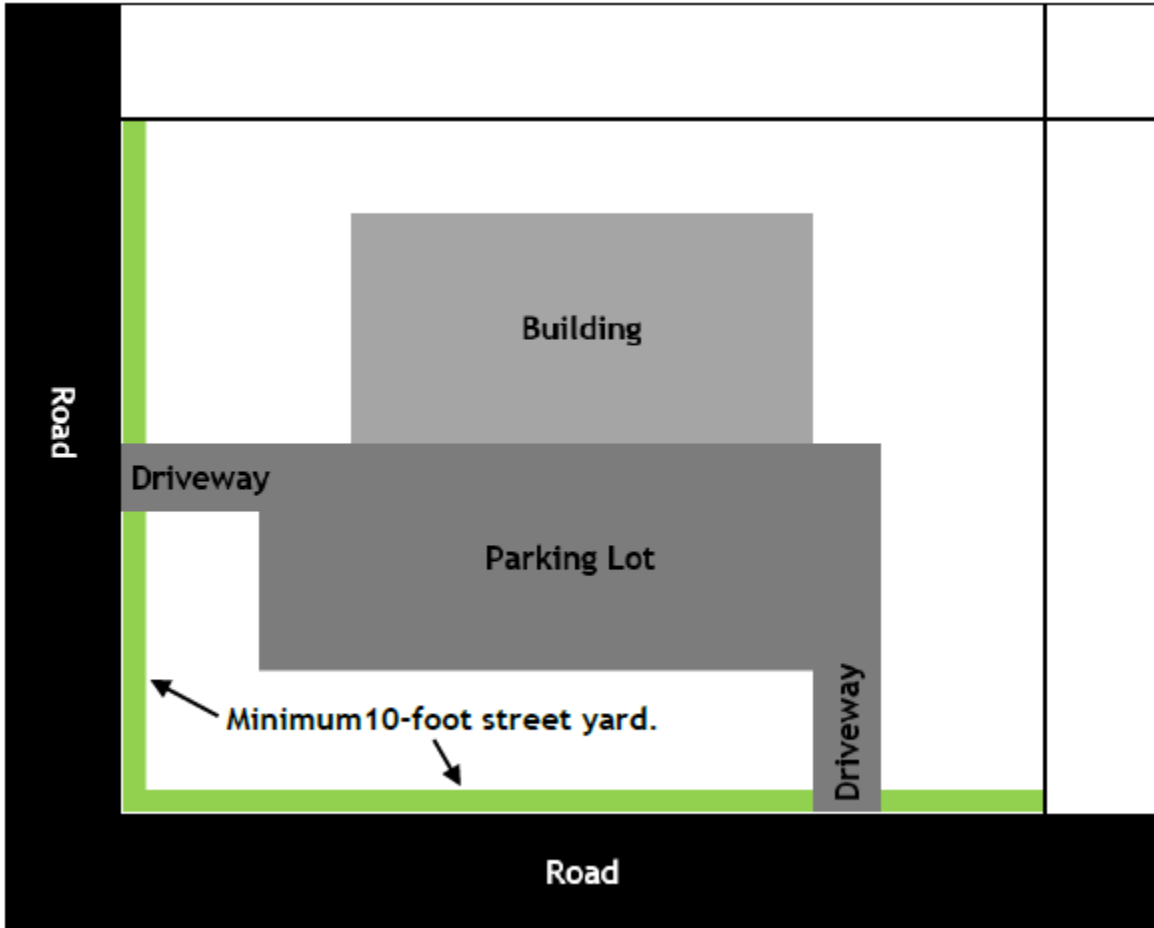
Where avoidable, landscaping shall not be installed within utility easements.

Refuse receptacles (dumpsters) shall be located outside the public right-of-way and concealed on all four sides with evergreen plantings or a screening fence. Access to the dumpster shall be provided by a gate with minimal opacity.

No rip-rap, crushed stone, concrete, or other impervious materials, with the exception of mountain stone, shall be placed in the landscaped yard, unless approved by the planning commission.

4. Street Yard Requirements

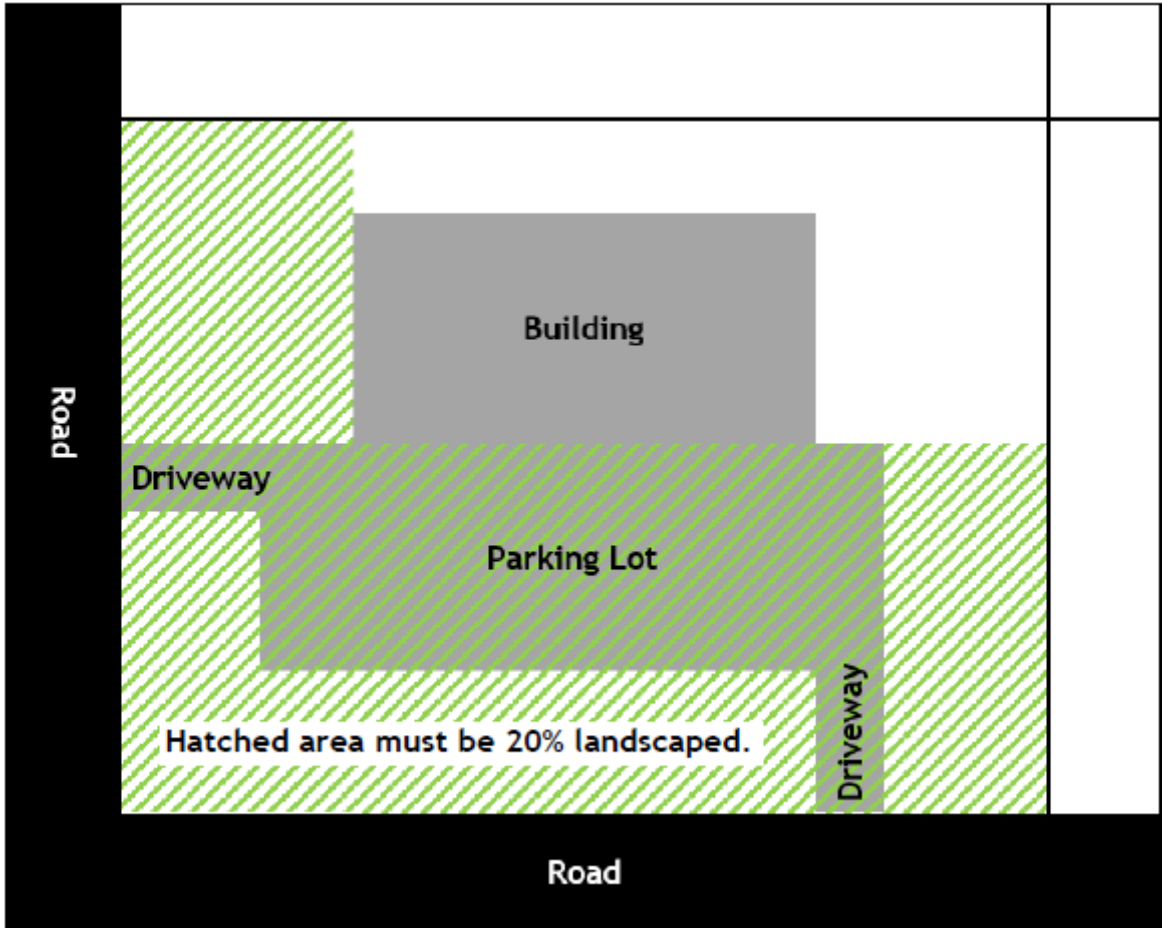
Along each property line abutting a public road, a street yard at least 10 feet in width shall be provided. This shall be measured from the ROW line towards the interior of the property.



No parking areas, structures, or impervious surfaces—with the exception of sidewalks and approved driveways—are permitted within this street yard, which shall consist of grass, landscaping, or other natural living ground cover material.

5. Landscaping Percentage Requirements

A minimum of 20% of the total property between the street and front of the principal building, plus the side yard if located on a corner lot, shall be landscaped or kept in a natural state. Street yards, screening, and landscaping installed in parking lots shall count towards this 20% requirement.



For the purposes of meeting this requirement, landscaping may include bushes, shrubs, gardens, flowers, landscaping islands, natural areas, water features, and areas planted with trees. Sod, grass lawns, dirt, sand, gravel, stone rip-rap, buildings, and impervious surfaces shall not count towards this requirement.

Trees should be located to break up the expanse of pavement in parking lots, create continuity in the progression of vegetation along the corridor, and enhance the viewshed from the public right-of-way.

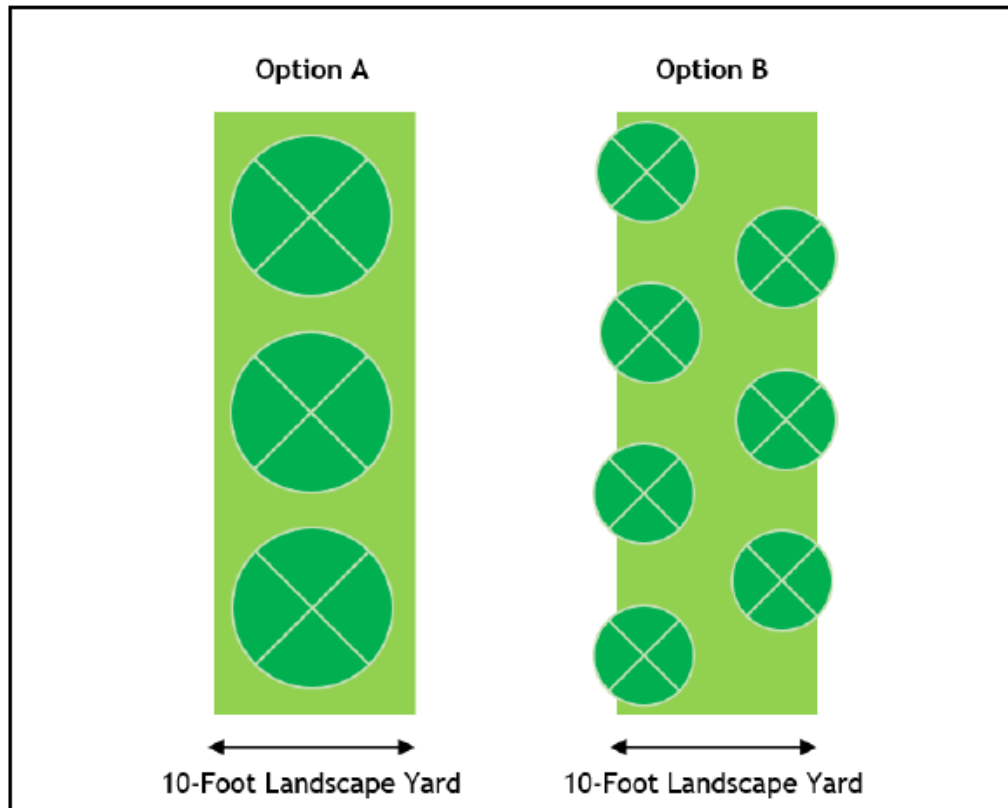
6. Screening Requirements

The purpose of a screen is to install an evergreen buffer that will provide year-round visual obstruction between incompatible land uses and zoning districts. Existing natural areas and trees should be preserved, when possible, and may be used as a substitute for a screen, subject to the approval of the planning commission. Otherwise, screening shall be installed in accordance with the following matrix:

Zoning of Abutting Property	Zoning of Development			
	C-1, C-2	C-3	I-1	R-2
C-1, C-2	None	Required	Required	Required
C-3	None	Required	Required	Required
I-1	None	Required	Required	Required
R-1	Required	Required	Required	Required
R-2	Required	Required	Required	Required

The screen shall consist of a 10-foot-wide yard around the building or along the abutting side and rear property lines in accordance with the matrix above and planted with either (A) or (B) as follows:

- A. One row of screening trees planted on-center and spaced 10 feet apart.
- B. Two staggered rows of screening shrubs with 7 feet of separation between the rows and shrubs planted 8 feet apart.



Note: The matrix in this section applies generally to developments and land uses within the Town of Decatur. Additional screening may be required for certain land uses. This matrix shall not be interpreted as preempting screening required by any other section of this zoning ordinance.

8. Plant Classifications (Reserved for Future Use)

9. Maximum Obligation

The maximum cost of compliance with Sections 4.26.3-6 of this ordinance shall be \$10,000 or 10% of the total construction cost, whichever is greater. The construction cost shall be equal to the amount used to calculate the building permit fee.

10. Alternate Landscaping Plan

The Town of Decatur recognizes that existing site conditions or the nature of a proposed development may make it impractical or impossible to comply with the strict landscaping provisions of this ordinance. In such cases, the planning commission is authorized to approve an alternate landscaping plan, provided that the proposed arrangement complements the building façade, enhances the public viewshed, and advances the goals of Section 4.26.1. The planning commission may impose conditions it deems necessary when approving alternate landscaping plans to ensure the spirit and intent of this ordinance is fulfilled.

11. Approval of Landscaping by Planning Commission

- a. Required landscaping shall be presented on the site plan or on a separate landscaping plan for review and approval by the planning commission.
- b. Any site plan submitted without the required landscaping elements shall be considered incomplete and shall not be approved. A verbal or written commitment from the developer to install landscaping will not be accepted for any conditional or interim approval; the landscaping plan must be presented to and voted on by the planning commission.
- c. If the developer is seeking a landscaping exemption from the BZA in accordance with Section 4.26.12 below, the planning commission shall review the development plan for compliance with all other applicable regulations (e.g. zoning district compliance and floodplain development standards) and certify that those requirements have been fulfilled before sending the site plan to the BZA.

12. Exemptions from this landscaping ordinance may only be granted by the board of zoning appeals (BZA), not the planning commission. In cases where an exemption is sought, the site plan shall first be submitted to the planning commission to ensure compliance with all other applicable provisions of this ordinance. The planning commission shall then refer the site plan to the BZA for consideration of a landscaping exemption following the procedure for a Special Exception. The granting of a Special Exception from the landscape requirements by the BZA shall constitute approval of the site plan and the development may proceed.

The BZA is authorized to grant Special Exceptions for landscaping exemptions under the following circumstances:

- A. An alternate landscaping plan is not feasible.
- B. The property's existing natural features are found to be desirable, and the landscaping required by this ordinance would be superfluous or significantly disturb the existing features.

- C. The configuration or features of a particular piece of property would make compliance with this landscaping ordinance overly burdensome or impractical, even under an alternate landscaping plan. The property shall have conditions unique to that property, not characteristics that are found generally throughout the town or zoning district.
- D. When the provisions of this ordinance would deprive the applicant of reasonable use of his or her land. Mere loss in value shall not constitute grounds for a special exception; there must be a deprivation of beneficial use of land.

Financial hardship shall not constitute grounds for a Special Exception. Applicants seeking an exemption for financial hardship shall be denied a Special Exception and their site plan sent back to the planning commission for further action.

In the event the request for a Special Exception is denied, the site plan shall be resubmitted to the planning commission with the required landscaping elements.

Receipt of a variance shall not preempt future developments or expansions at the same property from being required to comply with the landscaping requirements of this ordinance.

13. Postponement Until Suitable Planting Season

Applicants have 6 months from the date of the final building inspection to install all landscaping required by this ordinance. The purpose of this 6-month period is to enable the applicant to plant and install landscaping during the regular planting season, when conditions are optimal for plant health and vitality.

In cases of extreme drought or other unusual weather conditions, applicants may request an extension from the planning commission for an additional 6 months. Such request should be submitted at least 30 days before the expiration of the 6-month period. Financial hardship shall not be the basis for any extension.

In the event the required landscaping is not installed within 6 months and no extension has been granted, the owner shall be considered in violation of this ordinance and subject to penalties.

14. Landscaping Maintenance

The property owner shall be responsible for the maintenance of all landscaping installed under this ordinance. Landscaped areas shall present a healthy, neat, and orderly appearance, and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this ordinance. Owners who fail to properly maintain their landscaping in accordance with the provisions of this ordinance shall be deemed to be in violation and subject to penalties

15. Fencing Requirements

Fencing provides a physical barrier between land uses is often used for security, privacy, decoration, noise abatement, safety, and other purposes. Materials and functional utility vary widely; the Town of Decatur has determined certain minimum standards that are necessary to ensure the objectives of this ordinance are achieved in instances where fencing is required. This section establishes classifications and basic minimum standards for fencing. Unless another standard is explicitly stated in this ordinance, the fencing standards in this section shall be in effect.

- a. **General Standards:** All new fences and modifications of existing fences in the Town of Decatur shall meet the following requirements:
 1. No fencing shall be located within any public street right-of-way.
 2. Fencing shall be located no closer than 12 inches from the edge of any new or existing sidewalk or multi-use trail.
 3. Fences on corner lots shall comply with the sight triangle requirements in Section 4.06.
 4. The finished or decorative side of the fence shall face outward as to be visible from the public right-of-way or adjoining property.
 5. Chain link fencing visible from the public right-of-way in the C-1, C-2, and C-3 districts shall have a vinyl or similar coating which is black, dark green, or other color approved by the planning commission. No chain link fencing with a steel or metal finish shall be installed in a location visible from the public right-of-way within commercial districts.
 6. Within residential and commercial districts, no barbed wire, razor wire, chicken wire, or similar such fencing material shall be visible from the public right-of-way, unless used for agricultural purposes.
 7. Electric fencing and hot wire fencing is prohibited in the Town of Decatur, unless used for agricultural purposes. This does not include electrically charged invisible pet fences commonly found in residential areas.
 8. No fence shall be constructed of used or discarded materials that are in disrepair, or other items such as pallets, tree trunks, trash, junk, railroad ties, wooden doors, utility poles, or other materials not specifically manufactured for fencing.

- b. **Fencing Classifications:** The following classifications describe and set forth minimum requirements for common types of fences in the Town of Decatur. Other fences are permitted, provided that they meet the general standards outlined in Section (a) above.
 1. **Residential fences.** Fences up to 8 feet in height are permitted in the side and rear yards of residential districts and may be placed on the lot line. Front-yard fences in residential districts shall have a minimum opacity of 50%. The design should be appropriate for residential-style fencing and complementary of the neighborhood's housing styles, historical character, and streetscapes. Materials may include, but shall not be limited to, brick, wrought iron, aluminum, wood, and vinyl. Chain link fencing is discouraged but not prohibited.
 2. **Security fences.** The primary purpose of a security fence is to restrict access to a structure or area of property. In general, security fences required by this ordinance shall have a **height between 6 and 10 feet**. Opacity requirements shall be

determined by the planning commission based upon safety considerations and the need to screen the interior area.

- i. Materials may include, but shall not be limited to, brick, wrought iron, aluminum, wood, vinyl, and chain link fencing. Chain link security fencing visible from the public right-of-way in a C-1, C-2, or C-3 district shall have a vinyl or similar coating which is black, dark green, or other color approved by the planning commission.**
3. Screening fences. Screening fences are intended to limit noise, dust, and visibility between adjacent properties and land uses. In general, screening fences required by this ordinance shall have minimal opacity (i.e. very little or no thru-visibility) and a **height between 6 and 10 feet.**
 - i. Screening fences should incorporate structural design elements or other features spaced no farther than 20 feet apart so as to break up monotony and provide visual interest. In addition, the design should complement nearby architectural styles, historical character, and streetscapes.
 - ii. Materials may include, but shall not be limited to, brick, wood, and vinyl. Chain link fencing is prohibited as a screening fence.**
4. Pool fences. Swimming pools shall be fenced as a safety precaution and to prevent uncontrolled access by children and pets from the street or from adjacent properties. Durable, permanent fencing at least 4 feet in height shall be placed around the yard and/or pool area and maintained for the life of the pool. The sides of an above-ground pool may constitute compliance with these fencing requirements, provided that the entire area outside the pool measures 4 feet above grade, and further provided that the ladder or steps can be secured, locked, or removed to prevent unauthorized access to the pool.

Note: The planning commission may modify these requirements or impose additional reasonable requirements in order to achieve the objectives for the particular development or land use at hand

- c. Developments requiring fencing and landscape screening.** As a general rule, when both fencing and landscape screening are required by this ordinance, landscaping shall be planted exterior of the fence as to be visible from the adjacent property or public right-of-way. This shall not preclude additional landscaping from being located on the interior of a fence if required by this ordinance. The final layout of any required fencing, screening, and other landscaping elements shall be approved by the planning commission.
 - d. Modifications of existing fences.** All modifications of existing fences shall comply with this ordinance.
 - e. Maintenance of fences.** Fences shall be maintained in a manner as to prevent rust, corrosion, and deterioration, and shall avoid the appearance of a patchwork indicative of a state of disrepair. Fences should be kept level and in good condition. If a screening or security fence deteriorates to the point where it is no longer achieving its stated purpose in this ordinance, it shall be replaced or repaired at the owner's expense.

16. **Outdoor Lighting Requirements.** Outdoor lighting is important for night visibility, safety and security. Outdoor lighting can, however, also invade privacy and cause nuisance if excessive glare and direct light trespasses on established residential properties. It may also be a safety hazard if lighting or glare dazzles the eyes of passing motorists. The requirements of this section are to ensure that new development minimizes the amount of light falling on abutting streets and properties. A site plan shall show outdoor lighting and meet the following requirements:
- a. Where the property line adjoins another zone or use for residential purposes, a footcandle diagram shall accompany the plan. The diagram shall cover at least 10 feet on either side of said property line, with “point by point” on a 10x10 grid.
 - b. Lighting must not exceed 1 footcandle at or beyond the property line zoned or used for residential purposes.
 - c. Any luminaire with a lamp(s) rated at more than 1800 lumens, and all flood or spot luminaires with a lamp(s) rate at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
 - d. No flood or spot luminaires as shown in c. above shall be directed at the street or highway. Any such luminaire within 50 feet of the front property line shall not be directed toward the highway or street at less than a 60 degree angle.
 - e. Laser source lights or any similar high intensity light for outdoor advertising or entertainment is prohibited.
 - f. The operation of searchlights for advertising purposes is prohibited.

ARTICLE 5

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

5.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT.

1. **District Description.** This residential district is intended to be used for single-family residential areas with relatively low population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
2. **Uses Permitted.** In the R-1 Low Density Residential District, the following uses and their accessory uses are permitted.
 - a. Single-family dwellings.
 - b. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than fifteen (15) feet to any lot line, and shall not cover more than thirty (30) percent of any required rear yard.
 - c. Churches or similar places of worship.
 - d. Public schools and other public educational facilities.
 - e. Utility facilities necessary for the provision of public services.
 - f. Ground and wall signs as regulated in Article 4, Section 4.13.
3. **Uses Permitted on Review.** (amended 11/13/08, 2/11/14) In the R-1 Low Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Article 9, Section 9.06
 - a. Customary home occupations as regulated in Article 4, Section 4.12.
 - b. Public golf courses, parks, country clubs, and swimming pools.

- c. Group homes for the elderly and physically or mentally handicapped, subject to a maximum of eight (8) residents and compliance with all state laws governing such facilities.
 - d. Duplex, provided it fronts or abuts upon a state numbered highway and they have access to both public water and sewer. **(added 7/10/07)**
 - e. Mobile Home, Double-Wide, subject to a minimum lot size of three (3) acres. **(Added Ordinance 225-B 08/08/2017)**
4. **Special Exceptions.** In the R-1 Low Density Residential District, the following use and its accessory use may be permitted subject to the approval of the Decatur Board of Zoning Appeals.
- a. Cemeteries, subject to the provisions of Article 4, Section 4.22.
5. **Uses Prohibited.** In the R-1 Low Density Residential District, all uses except those uses permitted upon review and approval by the Decatur Municipal Planning Commission are prohibited.
6. **Dimensional Regulations.** All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements except as provided in Article 8.
- a. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
 - b. **Rear Yard.** The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.
 - c. **Side Yard.** The side yards shall be a minimum of fifteen (15) feet for one- and two-story structures.
 - d. **Corner Lot.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however, the side yard setback for a corner lot in a Residential district shall be twenty (20) feet when said side yard adjoins a local street.
 - e. **Land Area.** No lot or parcel of land shall be reduced in size to provide separate lots or buildings sites of less than twenty thousand (20,000) square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be ten thousand (10,000) square feet. However, where there is an existing lot of record of less than twenty thousand (20,000) square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, provided the lot in question has a public water and sanitary sewer supply, providing that said lot of record is not less than seven thousand five hundred (7,500) square feet in area.

- f. **Maximum Lot Coverage.** On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty (40) percent of the total area of such lot or parcel.
 - g. **Lot Width.** No lot shall be less than one hundred (100) feet wide at the building setback line. However, where there is an existing lot of record of less than one hundred (100) feet wide at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing that said lot of record is not less than seventy-five (75) feet wide at the building setback line.
 - h. **Height Requirement.** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in Article 8, Section 8.03.
 - i. **Minimum square footage of dwelling unit** shall not be less than 800 square feet.
7. **Parking Space Requirements.** As regulated in Article 4, Section 4.07.
8. **Access Control.** As regulated in Article 4, Section 4.09.

5.02 **R-2 HIGH DENSITY RESIDENTIAL DISTRICT**

- 1. **District Description.** This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by high density, single-family and multi-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of apartment buildings and adequate space for all related facilities.
- 2. **Uses Permitted.** In the R-2 High Density Residential District, the following uses and their accessory uses are permitted.
 - a. Any use permitted in the R-1 Low Density Residential District.
 - b. Two-family dwellings (Duplexes).
 - c. Multiple-family dwellings.
 - d. Mobile Home, Double-Wide - only one (1) residential structure per lot, and the mobile home lot conforms to lot size requirements applying to the R-2 district. Further, all mobile homes shall be skirted, anchored, underpinned, and fastened by hurricane straps.
 - e. Recreational facilities associated with multi-family dwellings.
 - f. Townhouses.

- g. Boarding and rooming houses.
 - h. Utility facilities necessary for the provision of public services.
 - i. Ground and wall signs as regulated in Article 4, Section 4.13.
 - j. Churches and schools.
 - k. Assembly buildings.
3. **Uses Permitted on Review.** (amended 11/13/08, 2/11/14) In the R-2 High Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Article 9, Section 9.06.
- a. Businesses conducted for occupant convenience.
 - b. Professional offices.
 - c. Mobile Home Parks subject to the requirements of the Decatur Mobile Home Park – Recreational Vehicle Park Ordinance, 1995 found in the Appendix of this Ordinance. Recreational Vehicles are allowed in these parks as long as they make up no more than 40% of the spaces, and that 40 spaces are the maximum number of spaces allowed within any Mobile Home Park. All requirements found in the Mobile Home Park – Recreational Vehicle Park Ordinance, referring to mobile homes will apply to RV Parks. (Amended Ordinance No. 164 & 177 6/10/08)
4. **Uses Prohibited.** In the R-2 High Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Decatur Municipal Planning Commission are prohibited.
5. **Dimensional Regulations.** All uses permitted in the R-2 High Density Residential District shall comply with the following requirements except as provided in Article 8.
- a. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
 - b. **Rear Yard.** The minimum depth of the rear yard shall be twenty (20) feet.
 - c. **Side Yard.** The side yards shall be a minimum of fifteen (15) feet for one- and two-story structures.
 - d. **Corner Lot.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however, the side yard setback for a corner lot in a Residential district shall be twenty (20) feet when said side yard adjoins a local street.

- e. **Land Area.** No lot or parcel of land shall be reduced in size except as provided in the following chart. However, where there is an existing lot of record of less than twelve thousand (12,000) square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seven thousand five hundred (7,500) square feet in area.

On lots or parcels of land where single- or multi-family dwellings are constructed, the following area requirements shall apply.

NUMBER OF DWELLING UNITS	WITH PUBLIC WATER AND SANITARY SEWERS	WITH PUBLIC WATER BUT WITHOUT SANITARY SEWERS
1 unit	7,500 sq. ft.	20,000 sq. ft.
2 units	10,000 sq. ft.	30,000 sq. ft.
3 units	15,000 sq. ft.	40,000 sq. ft.
Over 3 units	15,000 sq. ft. + 2,500 sq. ft. for each unit over 3	

- f. **Maximum Lot Coverage.** On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty-five (45) percent of the total area of such lot or parcel.
 - g. **Lot Width.** No lot shall be less than seventy-five (75) feet wide at the building setback line.
 - h. **Height Requirement.** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in Article 8, Section 8.03.
 - i. **Minimum square footage of dwelling unit** shall not be less than 700 square feet.
6. **Parking Space Requirements.** As regulated in Article 4, Section 4.07.
 7. **Access Control.** As regulated in Article 4, Section 4.09.

ARTICLE 6

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

6.01 C-1 CENTRAL BUSINESS DISTRICT.

1. **District Description.** This district is established to provide an area for the conduct of community and regional retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefitted by close proximity to other uses of similar nature and requirements, and for only those small-scale industrial uses commonly associated with retail, or business, or personal service activities. It is intended that such areas have properties of size suitable for uses of a variety of scale so developed as to promote pedestrian circulation, avoid "dead" spaces between uses, and to contribute to mutual business advantage. It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods which cater exclusively to automobiles or traffic or to patrons who remain in their vehicles for service.
2. **Uses Permitted. (Amended 8/12/03)**The following uses and their accessory uses shall be permitted in the C-1 Central Business District.
 - a. Retail sales or rentals including computer equipment, supplies and software; variety, discount and general merchandise; clothing and apparel, florists, copy and print shops, office furniture and supplies; home and office communication supplies and equipment, furniture and home furnishings, home appliances, books, magazines and newspapers; audio and video equipment-rental, repair, sale and supplies including televisions; DVDs, music and musical instruments; hardware, garden and lawn supplies and equipment; auto parts and tires, jewelry, home appliances, hobby stores, sporting goods, antiques, gifts, souvenirs, card shops, pet supplies, tobacco, and liquor (with necessary permits), and including those which are making products sold at retail on the premises, providing such manufacturing is incidental to the retail business or service, occupies less than twenty (20) percent of the gross floor area, provided further that all materials are stored and all work that is done on the premises is done within a building.
 - b. Personal service establishments including barber and beauty shops, laundromats, shoe repair, seamstress, tailors and alterations; indoor recreation but not including pool halls, video arcades and game rooms; day care centers, art, dance, martial arts, music and photography studios; dry cleaners, funeral homes, eye examinations and glasses, hearing aids, home sick room supplies and equipment, ambulance services, locksmiths, real estate offices, and travel agencies, but not including adult oriented entertainment and sales.
 - c. Business and professional offices; financial institutions. (amended)
 - d. Public buildings and grounds other than schools.

- e. Medical and health clinics. (Added 11/9/2021)
- f. Hotels, motels.
- g. Commercial recreational facilities excluding drive-in theaters and outdoor recreation facilities, pool halls, game rooms and video arcades. (amended)
- h. Signs as regulated in Article 4, Section 4.13. (Amended Ordinance No. 217)
- i. Utility facilities as needed for the provision of public service to the immediate area only. (amended)
- j. Automobile service stations. **(Amended 2/12/13)**
- k. Drug stores and pharmacies. (Added)
- l. Restaurants, grills, and similar eating establishments, including take-outs but excluding drive-ins. (Added)
- m. As an accessory use, living quarters for the proprietor where said person and his/her immediate family may reside on the premises in the office or retail establishment. **(Added 07-10-01)**

3. **Uses Permitted on Review.** (amended 11/13/08, 2/11/14) In the C-1 Central Business District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Article 9, Section 9.06.

- a. Commercial parking lots.
- b. Public transportation terminals including taxi stands.
- c. Manufacturing processing and other establishment of an artistic and crafts nature such as: ice cream, candy, jewelry, pottery, light metal fabrication and blacksmith, woodworking, computers and electronics, furniture crafting and reconditioning. The Planning Commission shall consider the impacts on adjoining properties and determine whether the proposed use meets the spirit and intent of this ordinance and the C-1 district. Approval of this Use on Review may be granted where the requirements shown below are met and subject to such restrictions as the commission may determine to protect the public health, safety and welfare.
 - (1) The establishment shall not occupy more than 5,000 square feet.
 - (2) There shall be not more than eight (8) persons employed including the owner/proprietor.

- (3) There shall be no exterior storage or materials or product except in areas which are surrounded by opaque fencing, nor shall the exterior appearance of the structure indicate that any use is occurring which is not a customary use in the C-1 district.
 - (4) A moderate adverse environmental impact on surrounding development in the form of smoke, odor, dust, noise, gas fumes and fire hazards, and traffic, to include loading and unloading.
- d. Residential units are allowed on the upper floors and in the rear of any structure in the C-1 district as a use permitted on review. The following requirements shall apply to commercial/residential mixed use. When a conflict arises between these regulations and other regulations found in this ordinance or elsewhere, the strictest regulation shall apply: **(Added Ordinance No. 190 6/11/13)**.
- The first floor of the structure which fronts the street shall be maintained for commercial use in accordance with the allowed uses of the C-1 zoning district. The first floor is not intended to include subterranean basements or storage space.
 - Residential units located in the rear of a commercial building shall be separate and not interfere with loading/unloading areas.
 - Each residential unit shall have at least one off-street parking space dedicated to the use of the residents. For units above 1,000 square feet of floor space, two off-street parking spaces shall be required. Residential parking spaces shall be required in addition to the parking requirements found in Section 4.07 of this ordinance.
 - Off-street parking shall be located on the same lot as the building in which the residential units are located.
 - Residential units shall have separate access from commercial establishments.
 - The Planning Commission shall review a request for commercial/mixed use in order to ensure adherence to these requirements and to promote the health, safety, and welfare of the public. Reasons for denial of a request include:
 - The intensity and nature of the primary commercial use or adjacent uses make the addition of residential units inappropriate.
 - The addition of residential units would have a negative impact on the internal transportation system of the lot, adjacent properties or the external transportation system.
4. **Uses Prohibited.** In the C-1 Central Business District, all uses except those uses specifically permitted or permitted on review and approval by the Decatur Municipal Planning Commission are prohibited.

5. **Dimensional Regulations.** All uses permitted in the C-1 Central Business District shall comply with the following requirements except as provided in Article 8.
 - a. **Front Yard.** No minimum front yard shall be required in the C-1 Central Business District; however a site plan is required as provided in Article 4, Section 4.23.
 - b. **Rear Yard.** Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases, no rear yard is required.
 - c. **Side Yard.** No side yard shall be required except that the width of a side yard which abuts a residential district shall be twenty-five (25) feet.
 - d. **Corner Lot.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however, the side yard setback for a corner lot in a Residential district shall be twenty (20) feet when said side yard adjoins a local street.
 - e. **Height Requirement.** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in Article 8, Section 8.03.
6. **Parking Space Requirements.** As regulated in Article 4, Section 4.07.
7. **Off-Street Loading and Unloading.** As regulated in Article 4, Section 4.08.
8. **Access Control.** As regulated in Article 4, Section 4.09.

6.02 C-2 GENERAL COMMERCIAL DISTRICT.

1. **District Description.** The C-2 General Commercial District is established to provide areas in which the principal use of land is devoted to general and highway commercial activities; regulations are designed to preserve the traffic-carrying capacity of the streets and roads and to provide for necessary off-street parking and loading.
2. **Uses Permitted.** In the C-2 General Commercial District, the following uses and their accessory uses are permitted.
 - a. Any use permitted in Article 6.01.2 Uses Permitted except for the incidental manufacture of goods for sale on the premises. **(Added 07-10-01)**
 - b. Hotels, motels, and tourist courts.
 - c. Churches, funeral homes, or mortuaries.
 - d. Drive-in establishments for the retail sale of merchandise.

- e. Nursing homes, assisted living residences, and schools. **(Amended 12/14/2021)**
 - f. Automobile service stations as regulated by Article 4, Section 4.19. **(Amended 2/12/13)**
 - g. Automobile service sales, and repair establishments.
 - h. Furniture and appliance sales, service, and repair establishments.
 - i. Tire sales and recapping or retreading establishments.
 - j. Commercial recreation uses.
 - k. Tourist services, including tourist information centers, souvenir/gift shops and hunting/fishing/boating/camping supply shops.
 - l. Ambulance and other emergency services.
 - m. Signs and billboards as regulated in Article 4, Section 4.13.
 - n. Utility facilities necessary for the provision of public services.
 - o. Recycling Center, subject to Article 4, Section 4.22 **(Added 2/11/14)**
3. **Uses Permitted on Review. (Amended 11/13/08, 2/11/14)** In the C-2 General Commercial District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Article 9, Section 9.06. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed use(s) of building and land, as it may deem advisable to further the general purpose of this ordinance.
- a. Single Family and two-family dwellings (duplex). **(Added 11/15/2016)**
 - b. Campgrounds and recreational vehicle (RV) parks.
 - c. Amusement parks, amphitheaters, ballparks or stadiums, fairgrounds, pool halls, game rooms, video arcades and group picnic grounds. (Amended)
 - d. Shopping centers, subject to Article 4, Section 4.16.
 - e. Zoo's.
 - f. Airports.
 - g. Flea markets and similar outdoor sales.

- h. Tattoo parlors and body piercing parlors that comply with all state requirements in Title 62, Chapter 38, as amended (Added)
- i. Residential units are allowed on the upper floors in the C-2 district as a use permitted on review. The following requirements shall apply to commercial/residential mixed use. When a conflict arises between these regulations and other regulations found in this ordinance or elsewhere, the strictest regulation shall apply: **(Added 6/11/13)**
- The first floor of the structure shall be maintained for commercial use in accordance with the allowed uses of the C-2 zoning district. The first floor is not intended to include subterranean basements or storage space.
 - Each residential unit shall have at least one off-street parking space dedicated to the use of the residents. For units above 1,000 square feet of floor space, two off-street parking spaces shall be required. Residential parking spaces shall be required in addition to the parking requirements found in Section 4.07 of this ordinance.
 - Off-street parking shall be located on the same lot as the building in which the residential units are located.
 - Residential units shall have separate access from commercial establishments.
 - No more than two residential units shall be allowed in any structure.
 - The Planning Commission shall review a request for commercial/mixed use in order to ensure adherence to these requirements and to promote the health, safety, and welfare of the public. Reasons for denial of a request include:
 - The intensity and nature of the primary commercial use or adjacent uses make the addition of residential units inappropriate.
 - The addition of residential units would have a negative impact on the internal transportation system of the lot, adjacent properties or the external transportation system.
- j. Self-Storage Facilities & Mini-Warehouses subject to the following provisions, including any other requirements deemed necessary by the Planning Commission to satisfy the intentions of this zoning ordinance: **(Added 11/2019)**
- a. Indoor storage units contained within the confines of a building where access to individual units is through a main entrance into the building.
 - b. Enclosed storage units, typically accessed by a garage style door, which is contained in a row of buildings where access is to each individual unit is located in parking or drive areas.
 - c. Outside storage of vehicles, motorhomes/recreational vehicles (RVs), and, boats, provided the area is fenced in by a **6' tall screening fence**. The Planning Commission shall determine suitable locations on a case-by-case basis.

- d. Parking shall be provided in parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty (20) feet wide when storage cubicles open onto one side of the lane only and at least twenty-four (24) feet wide when cubicles open onto both sides of the lane. Said lanes shall be surfaced with asphalt, concrete, or gravel.
- e. A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles or a fraction thereof shall be located adjacent to the facility's office.
- f. No self-service storage facility shall exceed eighteen (18) feet in height.
- g. Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or auction of any item is specifically prohibited. Yard sales and flea markets are also prohibited.
- h. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.
- i. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.
- j. Any proposed outdoor storage areas shall be shown on a site plan for the facility. Outside storage of motor vehicles, boats, trailers and lawnmowers shall be governed by the specific requirements of the zone in which the facility is located. In no case shall parking areas or driveways be used for storage.
- k. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property and public roadways.

4. **Special Exceptions.** In the C-2 General Commercial District the following use and its accessory uses may be permitted subject to the approval of the Decatur Board of Zoning Appeals.

- a. Cemeteries, subject to the provisions of Article 4, Section 4.22.

5. **Uses Prohibited.** All uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Decatur Municipal Planning Commission.

6. **Dimensional Regulations.** The following requirements shall apply to all uses permitted in this district. In addition to these requirements, a site plan is also required as provided in Article 4, Section 4.23.

- a. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet on local or collector streets and thirty-five (35) feet on major thoroughfares. (amended 6/14/05)

- b. **Rear Yard.** Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet.
 - c. **Side Yard.** On the side of a lot adjoining a residential district, there shall be a side yard of not less than twenty-five (25) feet. There shall be a side yard setback from an intersection of not less than twenty-five (25) feet. In all other cases, a side yard shall not be required.
 - d. **Corner Lot.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however, the side yard setback for a corner lot in a Residential district shall be twenty (20) feet when said side yard adjoins a local street.
 - e. **Height Requirements.** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in Article 8, Section 8.03.
- 7. **Parking Space Requirements.** As regulated in Article 4, Section 4.07.
 - 8. **Off-Street Loading and Unloading.** As regulated in Article 4, Section 4.07.
 - 9. **Access Control.** As regulated in Article 4, Section 4.09.

6.03 C-3 HIGHWAY COMMERCIAL DISTRICT. (added 4/14/05)

- 1. **District Description.** The C-3 Highway Commercial District is established to provide for auto dependent uses along a major arterial(s). The Highway Commercial District will serve not only the Town but through travelers and the region as well. This district will provide for limited residential uses compatible with the primarily commercial nature of this district. Commercial uses will be restricted: uses that are characterized by extensive warehousing, heavy trucking activity, open storage of material or nuisance factors of dust, odor or noise are excluded. Development must enhance the function of the transportation artery in both use and appearance of the corridor to maintain and further define the image of the Town. A major objective is to preserve the traffic-carrying capacity of the highway by minimizing the number of access points encouraging access between adjacent businesses and promoting shared parking.
- 2. **Uses Permitted.** In the C-3 Highway Commercial District, the following uses and their accessory uses are permitted.
 - a. Multi-family apartments, condominiums, and town houses provided the minimum area is two (2) acres with not less than 12 dwelling units. Customary home occupations as permitted under section 4.12.

- b. Hotels, motels, and tourist courts with a site plan. Conference centers, exhibition halls and restaurants as accessory uses, but excluding alcoholic beverages and dance floors.
- c. Churches, funeral homes or mortuaries.
- d. Professional offices for doctors, dentists, chiropractors, veterinarians, lawyers, architects, accountants, engineers, and similar professional services.
- e. Grocery stores, including specialty food stores such as bakery goods, coffee shops, delicatessens, fruit and vegetable markets, health foods, meat markets (provided no slaughter of animals on-site), and ice cream parlors.
- f. Banks, financial services offices, insurance agencies, real estate offices, and business offices. Drive-in windows are permissible as an accessory use for banks and financial institutions.
- g. Automobile service stations as regulated by Article 4, Section 4.19 either separate or with a convenience food store. An approved site plan is required. A maximum of five (5) service bays for lubrication, minor repair, and maintenance of vehicles not exceeding an empty weight of 7,000 pounds. All operations shall be performed within one completely enclosed building on the site. Bulk storage of fuel shall be underground and comply with EPA/OSHA standards. There shall be no exterior display of merchandise except on pump islands and on paved walkways within three (3) feet of the building/store. Lighting fixtures and canopy shall not exceed twenty (20) feet in height. No temporary storage or wrecked or inoperative vehicles or rental of vehicles, trailers, campers, vans or similar equipment shall be permitted; car washes; tire sales and installation and repair, but excluding recapping and retreading. Used tires must be kept in a building or opaquely fenced enclosure not visible from the street. **(Amended 2/12/13)**
- h. New automobile sales with an accessory repair shop, auto parts sales including sound systems sales and installation when within a completely enclosed, air conditioned building not exceeding 15,000 square feet of floor area. Used car sales only as an accessory use for new automobile sales.
- i. Furniture and appliance sales, service, and repair establishments, including audio/visual, stereo, cell telephone, and television, videos, CDs and DVDs; sales and service of computers, computer software, video games. Antique stores. No outside storage permitted
- j. Barber shops, beauty shops and salons, bicycle shops, book stores, copying centers, print shops, florists, (no green houses on-site), gift and card shops, laundromats and dry cleaning, pharmacies, sale or rental of clothing, costumes, appliances and furniture; locksmiths, photo studios, art galleries, watches and jewelry, optical equipment, sick room supplies, tailors/dressmakers and alterations, video sales and rental, music stores, clothing stores, shoe stores, tobacco stores, office supply, department stores and general merchandise.

- k. Commercial indoor recreation uses including theaters, indoor/outdoor swimming pools, fraternal and membership clubs, community center, convention or conference center, health and fitness facilities, dance studios, music instruction, martial arts, but excluding pool halls, video arcades and game rooms.
- l. Tourist services, including tourist information centers, souvenir/gift shops and hunting/fishing/boating/camping supply shops; sporting goods. Museums.
- m. Hardware stores and supply centers, feed stores, tack shops, boat and marine sales and service.
- n. Hospitals, medical care centers, hospice, nursing home, adult day care center, assisted living facilities, child day care center, medical laboratories, ambulance and other emergency services.
- o. Restaurants: general and fast food. Outside dining areas are permitted provided the location and arrangement will not adversely affect adjacent property or uses.
- p. Utility facilities necessary for the provision of public services to the immediate area.
- q. Government buildings including but not limited to armories, fire/police stations, offices, library, post office, community centers, and parks but excluding schools and heavy equipment storage.
- r. As an accessory use, living quarters for the proprietor where said person and his/her immediate family may reside on the premises in the office or retail establishment.
- s. Recycling Center, subject to Article 4, Section 4.22 **(Added 2/11/14)**

3. **Uses Permitted on Review.** (amended 11/13/08, 2/11/14) In the C-3 Highway Commercial District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Article 9, Section 9.06.

- a. Dance floors as an accessory use to hotels, motels and restaurants.
- b. Amusement parks, amphitheaters, ballparks or stadiums, fairgrounds, group picnic grounds and other outdoor commercial facilities, but excluding campgrounds, golf courses, country clubs and drive-in theaters
- c. Shopping centers, subject to Article 4, Section 4.16.
- d. Zoo's.
- e. Heavy equipment and industrial equipment rental, sales and service.

- f. Public and private school, universities, technical colleges.
- g. **Methadone Clinics (Added 2/11/14)**
- The approval by the Planning Commission of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the Tennessee Department of Health. The Planning Commission shall not hear an application for a methadone clinic until such certificate has been granted.
 - Applicants seeking approval of a methadone treatment facility shall provide written documentation that the Decatur Police Department has been notified in writing regarding the facility's proposed location, hours of operation, programs and treatment methods offered, and staffing levels and qualifications. This same information shall be made available to the Planning Commission as part of the Use Permitted on Review application.
 - The clinic or facility shall not be located within one thousand (1,000) feet of any school, day care facility, park, church, residential use, pharmacy, or similar facility that sells or dispenses either prescription drugs or over the counter drugs, as measured from property line to property line.
 - The clinic or facility shall not be located within one thousand feet of any establishment that sells alcoholic beverages, for either on- or off-premise consumption, measured from property line to property line.
 - The facility shall be located on and have access to an arterial street as shown on the Major Road Plan for the Town of Decatur.
- h. **Pain Management Clinics (Added 2/11/14)**
- This section does not apply to the following facilities as described at TCA § 63-1-302:
 - A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
 - A hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
 - Hospice services as defined in TCA § 68-11-201;
 - A nursing home as defined in TCA § 68-11-201;
 - A facility maintained or operated by the state government; or
 - A hospital or clinic maintained or operated by the federal government.
 - Certification. Said facility shall maintain in good standing a certificate in compliance with TCA sections 63-1-306 through 63-1-309.
 - Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility at a rate of five (5) spaces per thousand square feet of

clinic floor area and the clinic shall assure that all queuing of vehicles takes place on site and not in the public-right-of-way.

- The clinic shall not be located within one thousand (1,000) feet, as measured from property line to property lines, of any school, day care facility, park, church, residential use, pharmacy or similar facility that sells or dispenses either prescription drugs or over the counter drugs.
- The clinic shall be located on property that is adjacent to and has access to an arterial street as shown on the Major Road Plan for The Town of Decatur.

4. **Special Exceptions.** Reserved.

5. **Uses Prohibited.** All uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Decatur Municipal Planning Commission.

6. **Dimensional Regulations.** The following requirements shall apply to all uses permitted in this district. In addition to these requirements, a site plan is also required as provided in Article 4, Section 4.23.

- a. **Front Yard.** The minimum depth of the front yard shall be forty (40) feet, except gasoline pumps and canopy 20-feet.
- b. **Rear Yard.** Each lot shall have a rear yard of not less than ten (10) feet, provided the depth of a rear yard which abuts a residential district shall not be less than forty (40) feet; where a commercial building is serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet;
- c. **Side Yard.** On the side of a lot adjoining a residential district, there shall be a side yard of not less than forty (40) feet. There shall be a side yard setback from an intersection of not less than twenty-five (25) feet. In all other cases, a side yard setback shall not be required.
- d. **Corner Lot.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however, the side yard setback for a corner lot in a Residential district shall be twenty (20) feet when said side yard adjoins a local street.
- e. **Height Requirements.** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in Article 8, Section 8.03, provided however, the planning commission may approve a higher building with the following conditions:
 - (1) the building has standpipes and an adequate sprinkler system
 - (2) the walls and roof are constructed fireproof materials
 - (3) the plans are approved by the Tennessee State Fire Marshal
 - (4) other conditions as the planning commission deems necessary for the public health and safety

- f. **Minimum Lot Width.** At street right-of-way and at the front setback line: 100 feet.
- g. **Maximum Lot Coverage.** All structures including accessory buildings: 67 percent.
- 7. **Parking Space Requirements.** As regulated in Article 4, Section 4.07 and parking spaces shall be paved. Permeable pavement is permitted. Shared parking and grass pavers for overflow/spillover parking may be permitted subject to planning commission approval.
- 8. **Off-Street Loading and Unloading.** As regulated in Article 4, Section 4.07.
- 9. **Access Control.** As regulated in Article 4, Section 4.09.
- 10. **Traffic Study Requirements.** A traffic study prepared by licensed traffic engineer shall be prepared and submitted to the Planning Commission with the site plan for all developments (structures) in excess of 25,000 square feet.

ARTICLE 7

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

7.01 I-1 GENERAL INDUSTRIAL DISTRICT.

1. **District Description.** The I-1 General Industrial District is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. Such activities may have certain adverse effects upon surrounding properties and may, in some instances, not be compatible with various other zoning districts or other types of land use activities in Decatur.
2. **Uses Permitted.** In the I-1 General Industrial District, the following uses and their accessory uses are permitted.
 - a. Laundry and dry cleaning plants, agricultural implement warehousing and distribution facilities, building materials and lumber yards, furniture and appliance warehousing and distribution facilities, engraving and printing establishments, public utilities, and other wholesaling and warehousing activities.
 - b. Bottling and packaging plants, assembly plants, furniture manufacturing plants, product fabrication establishments sporting goods manufacturing, and other manufacturing or assembly plants which do not represent a potential threat to surrounding districts or to the environment.
 - c. Auto-Repair garages.
 - d. Contracting or engineering offices and establishments.
 - e. Gasoline, oil, and liquefied gasses storage provided that no storage tank or building shall be closer to any property line than is prescribed in the National Fire Protection Association 50-8, Table 6.3.1 "Separation Distances Between Containers, Important Buildings and Other Properties," as amended. **(amended 9/13/05)**
 - f. Sand or gravel extraction or storage operations.
 - g. A retail or service use only where it directly serves or is auxiliary to the needs of industrial plants or employees thereof.
 - h. Freighting or trucking yards or terminals.
 - i. Any heavy manufacturing, processing, assembling, or fabricating plants; foundry casting of non-ferrous and ferrous metals not causing noxious fumes or odors; acetylene gas manufacture or bulk storage.

- j. Signs and billboards, as regulated in Article 4, Section 4.13.
 - k. Industries, provided that any industry that may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard or other objectionable conditions, shall be required to show that the proposed location, construction and operation will not injure present or prospective industrial development in the district or surrounding district.
 - l. Recycling Center, subject to Article 4, Section 4.22
3. **Uses Permitted on Review.** (amended 11/13/08, 2/11/14) In the I-1 General Industrial District, the following uses and their accessory uses may be permitted subject to review and approval by the Decatur Board of Zoning Appeals in accordance with the provision of Article 9, Section 9.06.
- a. Other manufacturing, assembling, fabrication, warehousing and storage uses except those which upon review of the Planning Commission are determined to be obnoxious or offensive by reason of emission or odor, dust, smoke, gas, noise, vibration, and the like, and those uses deemed dangerous due to potential explosion dangers, threat of fire, or poisonous fumes. Any of the above mentioned obnoxious, offensive, or dangerous uses shall be permitted only on the written approval of the Decatur Municipal Planning Commission and subject to such conditions in the interest of public health, safety, and welfare.
 - b. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials.
 - c. Retail sales and Commercial Indoor Recreation. (Added Ordinance No. 166 11/13/08)
4. **Special Exceptions.** In the I-1 General Commercial District, the following uses and their accessory uses may be permitted by the Decatur Board of Zoning Appeals:
- a. **Conditional Uses** (added 4/10/01)
 - 1. Adult-oriented establishments, subject to the following special restrictions:
 - (a) **Restrictions.** In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary to an R-1, or R-2 Residential Zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site with is used for the purpose of a recreation park, playground or swimming pool (not including ornamental only parks); place of

worship, public or private school, day care center, or another adult-oriented establishment. Measurements shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of said uses.

- (b) Evaluation. For the purpose of enforcing this section, it shall be the responsibility of the zoning administrator to measure, evaluate, and advise the Planning Commission regarding compliance of a proposed adult-oriented establishment with the restrictions set forth herein. It shall be the responsibility of the applicant to supply a site plan, as set forth in Section 4.23, and any other maps, surveys, or other such special information as might reasonably be required and requested by the planning commission or its designee for use in making a thorough evaluation of the application.
- (c) Adult-oriented Establishments-Unlawful Acts. It shall be unlawful for any person to own, manage, or operate an adult-oriented establishment in any zone other than I-1 or to own, manage or operate such an establishment without obtaining a conditional use permit as required herein and any other permit the Town of Decatur may require. Obtaining any other required permits shall be a requirement of the conditional use permit.
- (d) Hours of Operation. Under the authority of *TCA 7-51-1402(b)* the hours of operation for an adult-oriented establishment shall be opening not earlier than one (1) o'clock p.m. and closing not later than eleven (11) o'clock p.m. Monday through Thursday, and not later than twelve (12) midnight on Fridays and Saturdays. No adult-oriented establishment shall be open for business on any Sunday or a legal holiday as designated in *TCA 15-1-101*.
- (e) Physical Design of Premises. As provided in *TCA 7-51-1403* no person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:
 - (1) Partitions between subdivisions of a room, portion or part of a building structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or
 - (2) Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains, or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent

public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be so such intensity as to prevent the viewing of motion pictures or other offered entertainment.

(f) Revocation and Hearing: Expansion, relocation, substantial misrepresentation, violation of a) any of the terms of the ordinance, b) a change in the dominant sales items or services offered to the public, or c) failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit shall constitute grounds for revocation of the special permit after notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by certified mail to the applicant's or owner's last known address at least five (5) days prior to the date set for the hearing.

(g) Signs and Other Visible Messages. Signs and visible messages based on the allowable sign area of the zoning district as shown in Section 4.13 are permitted provided:

- (1) Sign messages shall be limited to a written description of material or services available on the premises;
- (2) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;
- (3) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

b. Automobile wrecking, salvage and junk yards subject to the provisions of Article 4, Section 4.21.

5. Uses Prohibited. In the I-1 General Industrial District, all uses except those uses specifically permitted or permitted upon review and approval of the Decatur Municipal Planning Commission are prohibited.

6. Dimensional Regulations. All uses permitted in the I-1 General Industrial District shall comply with the following requirements except as provided in Article 8.

- a. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
 - b. **Rear Yard.** The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur.
 - c. **Side Yard.** The minimum depth of the side yard shall be twenty (20) feet, except that side yards for industrial lots adjacent to residential districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
 - d. **Corner Lot.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces, provided however.
 - e. **Land Area.** No minimum land area requirement shall be imposed in the I-1 General Industrial District; however, a site plan is required as provided in Article 4, Section 4.24.
 - f. **Maximum Lot Coverage.** No maximum lot coverage shall be imposed in the I-1 General Industrial District.
 - g. **Height Requirement.** No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in Article 8, Section 8.03.
7. **Parking Space Requirements.** As regulated in Article 4, Section 4.07.

ARTICLE 8

EXCEPTIONS AND MODIFICATIONS

This Article is established to provide relief from unnecessary hardships that may occur from the applications of this ordinance to a specific piece of property. Further, it is intended to provide for the establishment of group developments that could not reasonably adhere to the provisions of this ordinance.

8.01 EXISTING LOTS

Where the owner of a plot of land consisting of one (1) or more adjacent lots, at the time of enactment of this ordinance, did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance; or if topography, physical shape or other unique features of such lots of record prevent reasonable compliance with the setback or other requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the **building inspector** permit any lot in a residential district to be used as a building site which is less than seven thousand five hundred (7,500) square feet in total area and thirty (30) feet in width, or has a front yard setback of less than fifteen (15) feet and a side yard setback of less than three (3) feet.

8.02 FRONT YARD SETBACK OF DWELLINGS

The front yard setback requirement of this ordinance for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but no less than the average of the setbacks of the aforementioned existing buildings.

8.03 HEIGHT LIMITS

The height limitations of this ordinance shall not apply to belfries, church spires, cupolas, domes and similar structures not intended for human occupancy, nor to chimneys, derricks, flag poles, monuments, radio or television towers or aerials, smoke stacks, transmission towers, water towers and similar structures.

8.04 NON-CONFORMITIES (amended 11/14/06, 2/11/14)

Any lawful use of any building or land existing at the time of enactment of this ordinance, prior to an amendment to this ordinance, or prior to being annexed into the Town, may continue although it does not conform to the provisions of this ordinance, provided that:

- a. No change is made in the use of the land.

- b. No non-conforming industrial and commercial use that intentionally and voluntarily ceases to operate for a period of thirty (30) continuous months may be reestablished. Such 30-month period shall be counted from:
- 1) The final settlement, order, decree, or judgment when said use or establishment is a party to any action in a court of competent jurisdiction regarding the use of said property.
 - 2) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within the thirty (30) months of cessation of continuous use. Provided also that any structure so constructed or rebuilt shall conform to the setbacks and height requirements of the zoning district in which it shall be located.
 - 3) The filing of an application for a building permit for the alteration, renovation or reconstruction of a non-conforming structure that a non-conforming industrial or commercial use operated from or that was located in.
 - 4) The use is reactivated within the thirty (30) month period.
 - 5) This applies only to land owned and in use by such affected business and does not permit expansion of an existing industry or business through the acquisition of additional land.
 - 6) Provided however, the 30-month provision shall not apply to any non-conforming industrial establishment with twenty-five (25) percent or more of gross annual sales or sales as a subcontractor to contractors, are to local, state or federal governments; or where said industrial use/location where seventy-five (75) percent of gross annual sales are made to agriculture or construction business.
- c. Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business where were permitted and being conducted prior to the change in zoning; provided that there is a reasonable amount of space for such expansion on the property owner by such industry or business situated within the area which is affected by the change in zoning so as to avoid nuisance to adjoining landowners.
- d. Off-site Signs. No off-site non-conforming sign may be re-established after being discontinued or abandoned for thirty (30) continuous months. Any expansion of said non-conforming sign shall be limited as follows:
- 1) Any off site sign smaller than overall dimensions of between 5-feet 4-inches to 6-feet 2-inches in height and 11-feet 4-inches to 12-feet 2-inches in width may be expanded to this size but no greater.

- 2) Any standard 8 sheet poster with maximum dimensions as described above may be expanded to a 30 poster size with overall dimensions not greater than 12-feet 3-inches and 24-feet 6-inches in width.
 - 3) Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin size, no more than 10-feet to 14-feet in height and 36-feet to 48-feet in width.
 - 4) Any standard bulletin size sign, as described in section 3 above, shall not be expanded to a size greater than 16-feet to 20-feet in height and 60-feet in width.
 - 5) Any off-site sign that does not meet the standards shown above may be expanded by not more than 100 percent of its surface area, provided however, the size of no sign shall exceed the maximum size permitted in section 4 above.
(added)
- e. An existing non-conforming use, which is NOT an industrial, commercial, or business use, shall meet these criteria: **(Amended 2/11/14)**
- 1) An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification. Provided, however, that establishment of another non-conforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals *and such reasonable conditions as the BZA* may require in order to protect the neighboring area.
 - 2) A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance; a non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
 - 3) When a non-conforming use of any structure or land, excepting non-conforming mobile home or mobile home parks, has been discontinued for a period of eighteen (18) months, it shall not be re-established or changed to any use not in conformity with the provisions of this Ordinance. Immediately upon the removal of a non-conforming mobile home or mobile home park, the non-conformity of such structure or use of land shall lapse. This provision shall not apply when government action impedes access to the premises or when the owner can demonstrate that an attempt has been made to continue the nonconforming status through continuous advertisement for sale, rent, or lease, or through alteration or remodeling, provided a building permit has been obtained.
 - 4) Any non-conforming residential structure or non-conforming use which is damaged by fire, flood, wind, or other act of God or man may be reconstructed and used as before when this is done within eighteen (18) months of such damage. The eighteen month period may be extended an additional six (6) months if the property owner can demonstrate a good faith effort to reestablish

the non-conforming structure or use. Provided, however, the repair, reconstruction or future use of *any structure* damaged to extent of more than sixty (60) percent of its market value based on the latest county tax appraisal shall be in conformity with the provisions of this Ordinance.

- 5) A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance; this provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
- 6) Changing any nonconforming use to a conforming use shall terminate the nonconforming use and the nonconforming use shall not be reestablished.
- 7) The reconstruction or reestablishment of all or any part of a nonconforming use shall not be permitted whenever the structure in which the nonconforming use is operated and maintained has been intentionally demolished, damaged, or destroyed.
- 8) The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the structure containing said use deteriorates to the point it becomes obsolete or substandard under the Code of Ordinances for the Town of Decatur and the cost of placing such structure in compliance exceeds fifty (50) percent of the replacement cost of the structure as determined by the Zoning Compliance Officer; provided that in determining the replacement cost, the cost of the land shall not be included.

ARTICLE 9

ADMINISTRATION, ENFORCEMENT AND PENALTIES

The intent of this Article is to provide for suitable and proper administration and enforcement of the provisions of this ordinance; to designate the enforcing officer and to outline the proper steps to be taken by parties interested in constructing, erecting or modifying a structure or other land use; to include a means whereby appeals can be made; and to set forth the penalties for violating the provisions of this ordinance.

9.01 ADMINISTRATION OF THE ORDINANCE.

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

9.02 THE ENFORCEMENT OFFICER.

The provisions of this ordinance shall be administered by the Decatur Zoning Officer or his authorized representative. The zoning officer shall administer and enforce this ordinance and, in addition, he shall:

- a. Issue all Building Permits (for a fee of \$100) and make and maintain records thereof. **(amended 7/10/07)**
- b. Issue all Certificates of Occupancy and make and maintain records thereof.
- c. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- d. Maintain and keep current zoning maps and records of amendments thereto.
- e. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The zoning officer shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

9.03 BUILDING PERMITS.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, or to commence the filling of land until the zoning officer has issued for such work a Building Permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this ordinance. No building permit shall be required for any construction development having a value of less than one thousand (\$1,000.00) dollars. Application for a Building Permit shall be made in writing to the zoning officer on forms provided for that purpose. It shall be unlawful for the zoning officer to approve the plans or issue a Building Permit for any excavation, construction, moving, or alteration until such plans have been inspected in detail by the enforcement officer and found to be in conformity with this ordinance. To this end, the application for a Building Permit for excavation, construction, moving or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the zoning officer to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with this ordinance:

- a. The actual shape, location, and dimensions of the lot to be built upon.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot.
- c. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the zoning officer shall issue a Building Permit for such excavation, construction, moving, or alteration. If an application for a building permit is not approved, the zoning officer shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provisions of this ordinance, and building permits shall be void after six (6) months from the date of issuance unless substantial progress on the project has been made by that time.

9.04 TEMPORARY USE PERMITS.

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Decatur Zoning Officer as provided in Article 4, Section 4.18 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the zoning officer on the forms provided for that purpose.

9.05 CERTIFICATE OF OCCUPANCY.

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the zoning officer shall have issued a Certificate of Occupancy stating that such

land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the zoning officer to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

9.06 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW.

The following procedure is established to provide procedures for review of a proposed use by the planning commission. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the zoning officer to determine whether a proposed use is potentially noxious, dangerous, or offensive. This procedure shall also be used in submitting special exception for planning commission review.

1. **Application.** An application shall be filed with the planning commission for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the planning commission may require.
2. **Restrictions.** In the exercise of its approval, the planning commission may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
3. **Validity of Plans.** All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all time.
4. **Time Limit.** All applications reviewed by the planning commission shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

9.07 TOWN BOARD OF ZONING APPEALS.

A Decatur Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 through Section 13-7-207 of **Tennessee Code Annotated.** The Board of Zoning Appeals shall consist of five (5) members appointed by the Decatur Board of Aldermen. The Board members shall be appointed to five (5) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

1. **Procedure.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of application and action taken thereon which shall be public records.

2. **Appeals to the Board.** An appeal to the Decatur Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the zoning officer 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 zoning officer shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.
3. **Powers of the Board.** 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 zoning officer or any other administrative official in the carrying out of the enforcement of any provision of this ordinance.
 - b. **Special Exceptions.** To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.
 - c. **Variances.** To hear and decide applications for variances from the terms of this ordinance.

9.08 **VARIANCES.**

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

1. **Application.** After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.
2. **Hearings.** Upon receipt of an application and fee, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

3. **Standards for Variances.** In granting a variance, the Board shall ascertain that the following criteria are met:
 - a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
 - b. Variances shall not be granted to allow for a use otherwise excluded from the particular district in which requested.
 - c. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
 - d. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
 - e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor.

9.09 AMENDMENTS TO THE ORDINANCE. (amended 7/10/07)

1. The regulations and the number, or boundaries of districts established by this ordinance, may be amended, supplemented, changed, modified, or repealed by the Decatur Board of Mayor and Alderman; but, in accordance with Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the Decatur Municipal Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Decatur Board of Mayor and Alderman. Before finally adopting any such amendment, the Board shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in Decatur.
2. An application by an individual for an amendment shall be accompanied by a fee of one hundred (\$100.00) dollars payable to the Town of Decatur.

9.10 PENALTIES.

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense. Each day such violation shall continue constitutes a separate offense.

9.11 REMEDIES.

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

9.12 VALIDITY.

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

9.13 INTERPRETATION.

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

9.14 EFFECTIVE DATE.

This ordinance shall become effective after the final reading, and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING: _____

Date

PASSED ON SECOND READING: _____

Date

PUBLIC HEARING HELD ON: _____

Date

**MAYOR
TOWN OF DECATUR**

ATTEST: _____
TOWN RECORDER

APPENDIX

MOBILE HOME ORDINANCE

TO BE

PLACED HERE

FLOOD HAZARD PREVENTION ORDINANCE

TO BE

PLACED HERE