

ZONING ORDINANCE

JASPER, TENNESSEE

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TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership
14-102. Organization, rules, staff and finances.
14-103. Powers and duties.
14-104. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of the Tennessee Code Annotated 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and an alderman selected by the board of aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. Of the five (5) members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. The terms of the mayor and alderman selected by the board of aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1983 Code, § 11-101)

14-102. Organization, rules, staff and finances. The municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt

rules for the transactions, findings and determination which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with town planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose of the board of mayor and aldermen of the Town of Jasper (1983 Code, § 11-102)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules or procedures, then said commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Code Annotated, title 13, or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1983 Code, § 11-103)

14-104. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions.

CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING¹

SECTION

- 14-201. Short title.
- 14-202. Definitions.
- 14-203. Districts.
- 14-204. District boundaries.
- 14-205. Zoning regulations affecting every structure and use.
- 14-206. Continuance of non-conforming uses.
- 14-207. Off-street automobile parking.
- 14-208. Off-street loading and unloading space.
- 14-209. Area, yard and height requirements for all zoned areas.
- 14-210. Flooding fringe areas.
- 14-211. Sign controls.
- 14-212. Access to federal or state highways.
- 14-213. Site plan requirements.
- 14-214. Telecommunications Structures.
- 14-215. Erosion Control

14-201. Short title. Chapters 2-11 of this title shall be known as the “zoning ordinance of the Town of Jasper, Tennessee.” (1983 Code, § 11-201)

14-202. Definitions. Except as specifically defined herein, all words used in this ordinance shall have their customary dictionary definitions. For the purposes of this ordinance, certain words or terms are to be interpreted as follows:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular include the plural, and words used in the plural include the singular.
- (3) The word “shall” is always mandatory.
- (4) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (5) The word “lot” includes the word plot or parcel.
- (6) The word “building” includes the word structure.
- (7) The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended,” “arranged” or “designed to be used or occupied.”
- (8) The word “map” or “zoning map” means the zoning map of Jasper, Tennessee.
- (9) “Accessory Dwelling Unit, Attached.” A secondary residential unit attached built as part of the principal structure or customary accessory structure such as

¹ It is the intention of the board of mayor and aldermen in adopting chapter 2-10 herein merely to continue in effect the provisions of the zoning ordinance (no. 50) adopted on July 6, 1981, as amended to date. It expressly is not the intention of the board of mayor and aldermen council to hereby enact any new zoning regulations.

The term “this ordinance” in chapters 2-11 includes ordinance No. 50 as amended.

a detached garage or workshop. Accessory Dwelling Units are 700 square feet or less **(Amended 07/11/2022, Ordinance # 411).**

(10) "Accessory Dwelling Unit, Detached." A secondary, stand-alone residential unit built on the same lot as a single-family residence. Accessory Dwelling Units are 700 square feet or less **(Amended 07/11/2022, Ordinance # 411).**

(11) "Accessory use or building." A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(12) "Automobile Wrecking." The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof **(Amended 07/11/2022, Ordinance # 413).**

(13) "Automobile Wrecking, Junk, and Salvage Yards." Any lot or place which is exposed to the weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated, are placed, located, or found. This does not include vehicle restoration hobbyists restoring antique vehicles. The Jasper Building Inspector shall determine the actual use if questionable, and the property owner shall have a right to appeal the determination to the Jasper Board of Zoning Appeals **(Amended 07/11/2022, Ordinance # 413).**

(14) "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. This shall also apply to the storage of these items whether or not they are for sale, trade, or recycling. This does not include vehicle restoration hobbyists restoring antique vehicles. The Jasper Building Inspector shall determine the actual use if questionable, and the property owner shall have a right to appeal the determination to the Jasper Board of Zoning Appeals **(Amended 07/11/2022, Ordinance # 413).**

(15) "Boarding of rooming house." Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

(16) "Buffer strip (planted evergreen)." A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

(17) "Building." Any structure attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

(18) "Business sign." An attached or free-standing structure on which is announced the business use of the premises and/or the name of the operator of the business.

(19) "Dwelling." A building designed or used for living quarters for one (1) or more families.

(20) "Dwelling unit." A dwelling or portion thereof providing living quarters for one (1) family.

(21) "Family." One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall

contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

(22) "Flood." An overflow of water onto lands not normally covered by water which results in significant adverse effects in the vicinity.

(23) "Floodway." The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

(24) "Floodway fringe areas." Areas lying outside the floodway district but within the area covered by the 100-year floodplain.

(25) "Front yard." An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

(26) "Hotel." Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished--whether with or without meals--and furnished accommodations to transient guests, in contradistinction to a boarding, rooming, boarding or apartment house shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

(27) "Interstate/Interchange Monopole (Freestanding) Sign". A type of freestanding sign having only one (1) structural support member, the location, size, and height of which is governed by the provisions of 14-40411-1 INTERSTATE INTERCHANGE. **(Amended 4/9/18, Ord. # 384).**
OVERLAY DISTRICT.

(28) "Land subject to flood:"

(a) Land which is at an elevation lower than the elevation of the 100-year floodplain as shown on the charts, "High Water Profiles, Town Creek, Standifer - Pryor Cove Branch, and Little Sequatchie River in Marion County, Tennessee" and "High Water Profiles, Sequatchie River in Marion County, Tennessee" (Tennessee Valley Authority, January 1962) which are made a part of this ordinance.

(b) Along other streams, land which is below the elevation of an overflow which would rise to five (5) feet above median streamflow elevation unless some lower elevation is determined by a registered engineer to be a reasonable level.

(29) "Lot." A parcel of land occupied or capable of being occupied by one (1) or more buildings and the accessory buildings or used customarily incidental to it, including such open spaces as are required by this ordinance.

(30) "Lot Width." The distance between the side boundaries of the lot measured at the front building line.

(31) "Mobile (trailer)." A detached single-family dwelling unit with the following characteristics:

..... (a) A
factory manufactured mobile home constructed as a single self-.....
contained unit and mounted on a single chassis. This is commonly
referred to as a single-wide mobile home.

(b) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen

facilities with plumbing and electrical connections provided for attachment to outside systems.

(c)

Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(d)

..... Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for .. occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like. **(Amended 2/9/04)**

(32) "Mobile home park." The term mobile home park shall mean any plot of ground within Jasper on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(33) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(34) "Motel." Lodging primarily for transients traveling by automobile with parking spaces on the lot for each lodging unit and with access to each such unit directly from the outside from an interior hallway having direct access to the outside. The term motel includes buildings designed as auto courts, motor lodges, and similar terms.

(35) "Non-conforming use." A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district in which it is located.

(36) "Nursing home." Any building in which aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

(37) "Outdoor advertising sign." An attached or freestanding structure conveying some information, knowledge or idea to the public.

(38) "Side yard." An open, unoccupied space on the same lot with a principal building located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

(39) "Sign." Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or presented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage, and which displays or includes any message or messages, numeral, letter work, model, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of an announcement, advertisement, attention arrester, warning or designation of any person, firm, group, organization, place, community, product, service, business, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition: **(Amended 08-13-01)**

(a) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warning at railroad crossings.

(b) Signs located inside a building.

(c) Memorial plaques or tablets.

(d) Inside faces of score board fences or walls on athletic fields.

(e) Historical site plaques.

(40) "Sign, Off-Premises." Any sign which is not an on-premises sign. **(Added 08-13-01)**

(41) "Sign, On-Premises." Any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease, or construction of those premises. **(Added 08-13-01)**

(42) "Structure." Anything constructed or erected or placed material or combination of materials in or upon the ground, excluding sidewalks and paving on streets, driveways and parking areas. A fence is considered to be a structure, however, the front yard and side yard setback requirements set forth in the table incorporated into Jasper Municipal Code section 14-209 do not apply to fences. Fences are regulated by Jasper Municipal Code section 14-705.

(43) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:

(a) can operate independent of connections to external sewer, water and electrical systems;

(b) contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or

(c) is identified by the manufacturer as a travel trailer.

(44) "Travel trailer park." The term travel trailer park shall mean any plot of ground within Jasper on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located (1983 Code, § 11-202, as amended by Ord. #224, § 1, July 1996).

(45) "Zone Lot." A parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, use, and that can provide such yards and other open spaces required by the zoning regulations. **(Added 08-13-01)**

14-203. Districts. For the purpose of this ordinance, the Town of Jasper, Tennessee, is hereby divided into nine (9) districts, designated as follows:

R-1 Low Density Residential District

R-2 High Density Residential District

C-1 Central Business District

C-2 General Commercial District

C-3 Professional District

I-1 Industrial District

I-2 Light Industrial District

A-1 Agriculture District

F-1 Floodway District

(1983 Code, § 11-203, modified)

14-204. District boundaries. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of Jasper, Tennessee" dated

1992 and certified by the city recorder.² Said map is hereby a part of this ordinance and it shall be on file in the office of the city recorder.

Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map (1983 Code, § 11-204).

14-205. Zoning regulations affecting every structure and use. The following restrictions are pertinent to every structure and use under the jurisdiction of this ordinance:

(1) Use. No building or structure shall hereafter be erected and no existing building or structure or part thereof shall be reconstructed, moved or altered nor shall any land, structure or building be used except in conformity with the regulations herein specified for the district in which it is located.

(2) Density. No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

(a) house a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or

(b) have narrower or smaller front or side yards than are herein required.

(3) Lot area and reduction of lot size. No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that the lot width or size of yards or lot area per family or any other requirement of this ordinance is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(4) Yards. No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building except in the CBD.

(5) One (1) principal building on a lot. Only one (1) principal building and its customary accessory buildings may be hereafter be erected on any one (1) lot.

(6) Public street frontage. No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street, excepting those buildings which may abut upon an Interior Circulation Drive that has been approved by the Jasper Regional Planning Commission. **(Amended 01-12-98)**

(7) Requirement of buffer strips. Where a use is established in areas zoned C-1, C-2, I-1 or I-2 which abuts at any property in areas zoned R-1 or R-2 the developer of said use shall provide a buffer strip as defined herein at the point of abutment. (1983 Code, § 11-205.)

² This map has been amended by ordinances 56, 59, 70, 71, 73, 75, 79, 80, 81, 87, 89, 93, 96, 97, 99, 100, 104, 107, 122, 123, 144, 152, 153, 160, 161, 165, 204 (Oct 1993), 211A (Aug. 1994), and 218 (Oct. 1995) of record in the office of the town recorder.

(8) Prohibited Uses. Any uses not listed in the respective zoning district is prohibited. **(Amended 04-10-2023)**.

14-206. Continuance of non-conforming uses. The lawful use, normal maintenance and repair of any building or structure or land existing at the time of the enactment of this ordinance may be continued even though such use does not conform with the provisions of this ordinance except that the non-conforming structure or use shall not be:

- (1) changed to another non-conforming use;
- (2) re-established after discontinuance for one (1) year;
- (3) extended or enlarged except in conformity with this ordinance; and
- (4) rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of destruction, except in conformity with this ordinance.

The value shall be computed from the amount the structure is assessed for tax purposes by the Town of Jasper.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months in ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the building provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance shall not be increased.

All non-conforming uses of land shall be discontinued and all non-conforming buildings or structures shall be torn down, altered, or otherwise made to conform within twenty (20) years from the date of adoption of these provisions with the exception of signs, billboards, junkyards, commercial, animal yards, and lumber yards which shall be moved, torn down, altered or otherwise made to conform within two (2) years from the date of adoption of these provisions.

The nonconforming use provisions of this section shall not apply to structures that were in existence in their present use prior to the incorporation of the Town of Jasper, Tennessee. (1983 Code, § 11-206.)

14-207. Off-street automobile parking. Off-street parking spaces shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be at least ten (10) feet wide and twenty (20) feet long--two hundred (200) square feet in area--and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back onto a major or secondary thoroughfare, excluding residential property:

- (1) Automobile sales and repair garages. One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.

- (2) Gasoline filling stations. Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant.

- (3) Hospitals and nursing homes. One (1) space for each three (3) employees and one (1) space for each doctor, plus one (1) space for each four (4) beds.

- (4) Hotels. One (1) space for each three (3) employees plus one (1) space for each guest bedroom.
- (5) Industrial. One (1) space for each two (2) employees on a single shift plus one (1) space for each company vehicle operating from the premises.
- (6) Lodges and clubs. One (1) space for each three (3) members.
- (7) Offices. One (1) space for each four hundred (400) square feet of floor space except in the central business district.
- (8) Places of amusement or assembly without fixed seats. One (1) space for each three hundred (300) square feet of floor space devoted to patron use.
- (9) Places of public assembly. One (1) space for each four (4) seats in the main assembly room.
- (10) Residential. Two (2) spaces for each dwelling unit (a drive-way may be used for parking).
- (11) Restaurant. One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.
- (12) Retail business. One (1) parking space for each 600 square feet of gross floor space, except in the Central Business District. **(Amended 11/10/08)**.
- (13) Rooming and boarding houses. One (1) space for each two (2) bedrooms available for rent.
- (14) Schools. One (1) space for each five (5) students.
- (15) Tourist courts and motels. One (1) space for each room of accommodation.
- (16) Wholesale business. Two (2) spaces for each employee.
- (17) Location on other property. If the required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off street property provided such property lines within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not hereafter be reduced or encroached upon in any manner.
- (18) Joint use of off-street parking. Nothing in this ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two (2) or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately. (1983 Code, § 11-207).

14-208. Off-street loading and unloading space. On every lot on which a business, trade or industry use if hereafter established, space with access to the public street or alley shall be provided, as indicated below, for loading and unloading of vehicles off the public street or alley:

- (1) Retail business. One (1) space of at least ten (10) feet by thirty-five (35) feet for each three thousand (3,000) square feet of floor area or part thereof, excluding the central business district.
- (2) Wholesale and industrial. One (1) space of at least ten (10) feet by fifty (50) feet for each ten thousand (10,000) square feet of floor area or part thereof.

(3) Bus and truck terminals. One (1) space to accommodate each bus or truck that will be stored and loading or unloading at the terminal at any one (1) time. (1983 Code, § 11-208).

14-209. Area, yard and height requirements for all zoned areas. The following table established the minimum size, width and height requirements for the land use within each designated district.

AREA, YARD, AND HEIGHT REQUIREMENTS

This article is established to show the minimum size, width, and height requirements for the land uses within each designated district.

District	Minimum Lot Size			Minimum Front Yard Set Back From Right-of-Way of Street		Minimum Side Yard	Max. Height	Min. Back Yard
	Area in Sq. Ft.	Sq. Ft. Per Family	Lot Width in Feet	Major Street	Corner Lots			
R-1	12,000	12,000	100	25	20 Side Yard	10 with 20 from adjacent street on corner lot	35	10
R-2	5,000	1-family 5,000	50	25	20 Side Yard	10 with 20 from adjacent street on corner lot	50	10
	8,000	2-family 4,000	75					
	9,000	Multi-fam. 3,000	90					
C-1						10 unless the buildings are flush against one another	50	10 unless back yard is a public street or alley
C-2				30* 35**	30	10 unless the buildings are flush against one another	40	10 unless back yard is a public street or alley
C-3				40	20		35	
I-1				35* 45**	35	20		25
I-2				35* 45**	35	20	50	25
A-1				40	20	20		20

* If fronting on a local or collector street

** If fronting on major thoroughfares

(1983 Code, § 11-209, as amended by Ord. #174, May 1990 and Ord. # 193, Oct. 1992, modified).

14-210. Floodway fringe areas. Areas lying outside the floodway but within the areas subject to flood shall be subject to the following regulations.

(1) No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the lowest floor of said building or structure is placed above flood level. Foundations of all structures shall be designed to withstand flood conditions at the site.

(2) Land may be filled within these flood fringe areas, provided such fill does not extend into the floodway and further provided that such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon.

(3) Any structures proposed to be located outside the floodway but within one hundred (100) feet of any main drainage channel or stream (hereafter referred to as stream) within the Town of Jasper must be approved by the planning commission. The planning commission or other designated public official shall determine on the basis of the area of the watershed and the probable runoff the openings needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of floodwater. (1983 Code, § 11-210).

14-211. Sign Controls. (1) The following regulations apply to on-premises signs in the districts hereinafter set forth:

(a) Residential (R-1 and R-2) and Commercial Professional (C-3).

(i) Signs accessory to home occupations conducted in a dwelling are permitted provided that the surface display area on one side of the sign does not exceed two square feet.

(ii) No more than one sign shall be erected for each permitted use on the premises.

(iii) Real estate signs are permitted.

(iv) Signs in the C-3 Professional District are permitted provided that the surface display area on one side of the sign does not exceed twelve square feet.

(v) No other signs are permitted.

(b) General Commercial District (C-2)

(i) Attached signs are permitted provided said signs:

(a) Are not greater than one hundred (100) square feet in total display surface area or twenty percent (20%) of the area of the building's face upon which it is erected, whichever is more restrictive;

(b) Are not mounted on or to the roof or extend above the roof line.

(ii) Ground signs are permitted provided said signs:

(a) Are not larger than one hundred (100) square feet in surface display area;

(b) Are set back five (5) feet from all rights-of-way;

(c) Are spaced so they are no closer than fifty (50) feet to one another; and

(d) Are no higher than thirty-five (35) feet, except when located within one hundred (100) feet of a residential zone it shall not exceed sixteen (16) feet in height.

(iii) Real estate signs are permitted.

(iv) Contractor's signs are permitted.

(v) Aggregate display surface area of all signs shall not exceed one hundred and fifty (150) square feet plus an additional square foot for each linear foot of street

frontage over one hundred (100) feet, the total size sign not to exceed three hundred (300) square feet.

(vi) Property located within 2,500 feet of the right-of-way of the I-24 Interchanges (Exit 155 and Exit 158), which are located within the II-1 Interstate Interchange Overlay District shall be permitted one monopole (freestanding) sign: A type of freestanding sign having only one (1) structural support member, the location, size, and height of which is governed by the provisions of **14-404 II-1 INTERSTATE INTERCHANGE OVERLAY DISTRICT** of these regulations. **(Amended 4/9/18).**

(vi) Monument Signs. Monument signs are typically used where building setbacks, orientation or design make it difficult to provide other types of signage, such as wall signs, that are plainly visible to people who are trying to identify a use. These often identify multi-tenant developments, churches, schools and subdivisions. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site.

(a) Monuments signs shall be located within a green or landscaped area with a minimum setback of ten feet (10') from the property line or sight-triangle requirement, whichever is greater. Adequate landscaping shall be provided to blend the sign into the site.

(b) Monument signs may be incorporated into a retaining wall or masonry wall.

(c) Monument signs shall not exceed 6 feet (6') by 6 feet (6'). **(Amended 5-8-2023).**

(c) Industrial District (I-1)

(i) Attached signs are permitted provided said signs:

(a) Are not greater than one hundred (100) square feet in total display surface area or twenty percent (20%) of the area of building's face upon which it is erected, whichever is more restrictive:

(b) Are not mounted on or to the roof or extend above the roof line.

(ii) Ground signs are permitted provided said signs:

(a) Are not larger than seven hundred seventy five (775) square feet in surface display area;

(b) Are setback five (5) feet from all rights-of-way;

(c) Are spaced so that they are no closer than fifty (50) feet to one another.

(iii) Real estate signs are permitted.

(iv) Contractor's signs are permitted.

(v) Aggregate display surface area of all signs shall not exceed one thousand (1,000) square feet.

(2) Billboards are permitted only in the Industrial District (I-1) provided said signs:

(a) Are not larger than seven hundred seventy five (775) square feet in surface display area.

(b) Are spaced at least 1,000 feet apart and otherwise comply with regulations of the Tennessee Department of Transportation.

(c) A billboard is defined as any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

(3) All signs hereafter erected in any district shall also comply with the following regulations:

(a) Signs painted or pasted directly on the structures shall be counted against the aggregated display surface area allowed.

(b) Signs incorporating any noisy mechanical device are expressly prohibited.

(c) No sign or part thereof shall contain or consist of banners, pennants, ribbons, streamers, or other similar moving, fluttering, or revolving devices.

(d) Illuminated signs and outside lighting devices including beacons and spotlights, shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating, or moving light or lights, except message center signs. 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. Bare bulbs may be used on signs only when they are used as an integral part of the sign or as a message center sign and provided that the maximum wattage of the bulb should not exceed seventy-five (75) watts.

(e) No signs of any type or any foundation or support therefor shall be placed in or on any dedicated street or highway right-of-way, or in any utility and drainage easement. No part of a sign may extend over the right-of-way.

(f) No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

(g) Signs are prohibited which contain or are an imitation of an official traffic signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words, when used in such a manner that the same may be mistaken or confused with an official sign.

(h) No new billboards shall be erected within the corporate limits of Jasper, except as allowed in Industrial District (I-1).

(i) The setback refers to any portion of the sign or its supports.

(j) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(i) The supports or uprights and covering thereon on which a sign is supported shall not be included in the display surface area of a sign.

(ii) When two signs of the same shape and dimensions are mounted or displayed back to back and parallel, only one such face shall be included in computing the total display surface area of the sign.

(iii) The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be the sum of the net area of each letter. Area of letters equals shaded area only.

Example: A

(iv) The display surface area of a sign consisting of connected letters of letters enclosed by a box or outline shall be the total area of the sign including the background, box or outline.

Example:

Area = A + B

	A	
		B

(v) The display surface area of a multi-faced sign shall be one-half (1/2) of the sum of all surface area forming a part of the display.

(k) Any sign legally in existence at the time of the effective date of this chapter may be continued in use despite any nonconformity with these provisions; if such non-conforming sign is removed or altered by act of God, vandalism or accident, it may be restored to its former condition; if such nonconforming sign needs to be changed, painted or relettered by reason of change of business, the same may be done; if such sign need to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced or re-erected.

(l) In any zoning district, in addition to the regulations contained herein, and to the extent they do not conflict with same, those contained within Chapter 23, "Signs and outdoor displays", of the Southern Standard Building Code, 1982 edition shall apply. (Ord. #148, Sept. 1986, as amended by Ord. # 168, Dec. 1988).

(4) Requirements for Off-Premises Signs (**Added 08-13-01**)

(a) Off-premises signs shall conform to the height limits found within each zoning district.

(b) Off-premises signs shall only be located in the C-2, I-1 and I-2 zoning districts.

(c) Off-premises signs shall be limited to one hundred (100) square feet of sign area.

(d) No off-premises sign shall be located within one hundred (100) feet of any R-1 or R-2 zone.

(e) Off-Premises signs shall be limited to one per zone lot.

(f) Any sign erected, constructed, or placed on any property in the Town of Jasper shall conform to the latest adopted revision of the adopted building code of the Town of Jasper, and if serviced by electrical power, the latest adopted revision of the National Electrical Code. Electrical materials and devices incorporated into such signs shall be certified by the Underwriter's Laboratories, Inc., and shall bear the UL label of another approved testing laboratory.

(g) All applications for signs shall be accompanied by complete plans and specifications showing the construction, methods of support and the materials to be used. In addition to any other required information such plans and specifications shall include the following:

(i) The total number of square feet of existing and proposed signage on the parcel where the proposed sign is to be erected.

(ii) For off-premises signs and portable signs, the name and a notarized consent affidavit of the property owner and/or lessee of the proposed site.

14-212. Access to federal or state highways. In order to provide the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contact, the following regulations shall apply:

(1) Egress and ingress to any new commercial establishment along a federal or state highway shall be approved in writing by the Tennessee Department of Transportation before the town can issue a building permit for the structure;

(2) The points of egress and ingress to any new commercial establishment along a federal or state highway shall be located so as to allow a driver sufficient sight distance in both directions. The minimum acceptable visibility (in feet) is ten (10) times the speed limit at that point on the highway;

(3) A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width;

(4) There shall be no more than two (2) points of access to any one (1) public street on a lot of less than 400 feet but more than 100 feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street;

(5) No point of access shall be allowed within twenty (20) feet of the intersection of two public streets;

(6) 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. Curbing or cement "logs" shall be placed at least three (3) feet from the sidewalk;

(7) No curbs on town streets or rights-of-way shall be cut or altered without written approval of the building inspector; and

(8) 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, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1983 Code, § 11-212).

14-213. Site Plan Requirements. (Amended 5-8-2023). The site plan approval process offers a unique opportunity for all public officials, utility companies, and the developer to get a clear understanding of what is to be done before a project is started. A site plan is required for any new commercial or industrial structure or any extensive remodeling project as determined by the Jasper Building Inspector.

If any applicant feels that his site plan has been unjustly disapproved or that the Planning Commission has required conformity with standards other than those set forth in this ordinance, he may appeal the decision of Planning Commission to the Board of Zoning Appeals.

1. Uses Subject to Review and Site Plan Submission

- a. Multi-family developments, but not single-family or two-family duplexes
- b. Commercial developments
- c. Industrial developments
- d. Public or semi-public developments
- e. Planned Unit Developments (PUD)
- f. Any development including, the construction of earthen fills, encroachments, or substantial improvements within any Special Flood Hazard Area as defined in the Jasper Municipal-Regional Floodplain Zoning Ordinance

Exceptions: When the following exceptions apply, only a sketch plan will be required that should meet the requirements of **Section 14-216 Sketch Plan Requirements**.

(1) Additions to buildings where the total gross floor area of the proposed addition does not exceed one thousand (1,000) square feet.

(2) Improvements to off-street parking for existing buildings and where access will be provided by existing driveways, when such improvement does not provide more than five (5) additional parking spaces.

(3) Grading of open area, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the removal of existing vegetation does not exceed one (1) acre and the designated city engineer finds, upon inspection of the site, that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or flood plains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties.

2. Approved Site Plan Required to Erect or Enlarge Buildings. Except as provided in subsection 14-213.1, it shall be unlawful for any person to construct, erect, alter or increase the floor area of any building or structure or change the land area covered by any building on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this chapter.

3. Approved Site Plan Required to Disturb Land. Except as provided in subsection 14-213.1, it shall be unlawful for any person to alter the grade of any land to change the contours in excess of two (2) feet within ten (10) feet of adjacent land, or in excess of three (3) feet elsewhere; construct any streets, alleys, sidewalks, curbs, or gutters; build any retaining walls; construct any off-street parking facility; construct any drain or sewer; or change or divert the flow of storm or natural watercourses until a site plan has been submitted and approved in accordance with this chapter.

4. Development According to Site Plan. It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or

improve land for which an approved site plan is required by this chapter, except in accordance with the approved final site plan.

5. Permits Not to be Issued Without Approved Site Plan. No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this chapter until a site plan has been submitted and approved in accordance with the provisions of this chapter.
6. Site Plan Submission. Site plans shall be submitted to the planning staff at least ten (10) business days prior to a scheduled Jasper Municipal-Regional Planning Commission meeting. Following a review by the planning staff, at least three (3) copies of the proposed site plan, prior to any site alterations, shall then be submitted to the Jasper Municipal-Regional Planning Commission for review. The Planning Commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove the same as required. The plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the Planning Commission Secretary.
7. Preparation of Site Plans. Site plans shall be prepared and certified by a licensed surveyor, engineer, architect, and/or landscape architect. The professional completing the plans shall be licensed in Tennessee to perform the work and design of new infrastructure, buildings, and other information shown on the plans. For instance, storm water drainage calculations and sizing of drainage facilities and other utilities can only be prepared by a licensed civil engineer. A site plan may require one or more professionals to provide the information required, and the appropriate Tennessee Licensed individual shall stamp the plans submitted.
8. Site Plan Requirements.
The site plan shall show the following:
 - 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 or stamped on their portion of 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 building 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.

- l. Floodplain limits and natural and artificial watercourses. If the property is in a floodplain, elevations for all structures shall be included.
- m. Existing and proposed sidewalks, streets, alleys, easements, and utilities.
- n. Existing and proposed buildings and structures, including signs.
- o. Existing and proposed public sewer systems with line sizes noted.
- p. Existing and proposed water mains with line sizes and fire hydrant locations noted.
- q. Existing and proposed electrical lines and connections to the development.
- r. Existing and proposed natural gas lines with line sizes noted.
- s. New or existing easement required for water, sewer, electrical, gas, drainage, or other easement for services serving the development.
- t. Plans for collecting stormwater and methods of treatment prepared by a Tennessee Licensed Engineer. Plans shall provide stormwater runoff calculations pre-development and post-development. Detailed plans shall show how the site drains, underground stormwater pipes and drainage tiles, and detention or retention areas which are needed. Stormwater runoff flow and volume shall not increase post-development and any excess water runoff shall be maintained on the site until it can either evaporate, absorb into the ground, or slowly enter into other natural or man-made drainage areas.
- u. Grading and drainage plan including any existing and proposed slopes, terraces, and retaining walls. If excavation or grading is to take place the plans shall provide an adequate erosion control plan.
- v. Existing and proposed natural areas, recreation areas, and open space.
- w. Detailed design of access points and parking lots showing internal circulation lanes, lane width, total number of parking spaces, loading areas, landscaping elements, drainage plans and systems, and location of ADA-accessible spaces.
- x. Distances between buildings.
- y. Number of existing and proposed dwelling units, if permitted.
- z. Total gross floor area of each building.
- aa. Lot coverage in square feet and as a percentage of total tract area.
- bb. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the Fire Chief, designated engineer or City Building Inspector, emergency vehicle easements shall be provided.
- cc. Certification of Zoning Compliance to be signed by the Planning Commission Secretary for approved site plans.

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 Jasper Zoning Ordinance and was approved by the Jasper Municipal-Regional Planning Commission on the date indicated.

Secretary, Jasper Municipal-Regional Planning Commission

Date

9. Appeals. If an applicant determines that his site plan has been unjustly disapproved or that the Planning Commission or designated city engineer has made requests for conformity to standards other than those set forth in this Ordinance, he may appeal the decision of the Planning Commission or designated city engineer to the Jasper Board of Zoning Appeals in accordance with **Chapter 9-Board of Appeals** of the Jasper Zoning Ordinance.
10. Remedies. As regulated in **Section 14-804** of the Jasper Zoning Ordinance.

14-214. Telecommunications Structures. (Added 10-13-98)

Telecommunications Structures are not allowed in the corporate limits unless within a permitted zone. Telecommunications Structures, where allowed as a permitted use by this Ordinance, are subject to the following requirements.

A. Setback

(1) All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.

(2) In instances when a tower and accessory structures are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.

(3) In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the base of the tower, shall be equal to one-hundred (100) percent of the tower height.

B. Shared Use

(1) The shared use of existing towers shall be required throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved

tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:

- (a) The planned equipment would exceed the structural capacity of the existing and approved towers and said towers do not have the capability to be upgraded.
- (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- (c) The planned equipment would not function effectively and reasonably on an existing tower.
- (d) Geographic service requirements would prevent the co-use of an existing tower or structure.

(2) The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

C. Type All new towers shall be monopole type structure. No lattice type towers or antennas shall be permitted in the Town of Jasper.

D. Structural Requirements Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

E. Buffering and Landscaping

(1) For all ground structures and buildings special care shall be taken to minimize the effects on the adjacent residential areas.

(2) All ground structures shall be buffered in a manner which consists of 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 and or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

F. Height

(1) No tower shall exceed a height of two hundred and fifty (250) feet.

(2) In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.

G. Co-located Towers and Antennas The co-location of towers and antennas shall only be permitted on existing and proposed telecommunication towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

H. Vehicle Access Control The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with these regulations.

I. Lighting

(1) Towers: No artificially lighted tower shall be permitted in the Town of Jasper. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

(2) Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 feet candles measured at the property line, easement line or abutting properties zoned for residential use.

J. Security The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater. Additional fencing shall be required by the Jasper Planning Commission on the outside of the security fencing as an aesthetic buffer which shall be incorporated into the buffering requirement in E. of this Section.

K. Removal of Obsolete Towers

(1) Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structure(s), provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

(2) 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 (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the town's designated official and then approved by the planning commission during the site plan review process.

L. Site Plan Requirements Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this Ordinance shall be required.

(1) If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.

(2) A letter of intent from the owner and any successive owners allowing for the shared use of the tower.

(3) A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

(4) A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.

(5) A site plan, per Section 14-213 of this Ordinance, reviewed and approved by the Jasper Planning Commission.

14-215. Erosion Control. (Added 08-09-99) Developers and/or property owners shall use appropriate erosions and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to a minimum. When deemed necessary, the planning commission may require that a detailed erosion and sedimentation control plan, prepared by a registered civil engineer or a Tennessee licensed land surveyor, be submitted with the plat. All erosion control measures will be approved in the field by the planning commission representative and maintained by the developer.

A. Control Measures The following control measures should be used as a minimum for erosion control:

(1) The smallest practical area of land should be exposed at any one time during development. Mulching or other protective measures should be used to protect exposed areas.

(2) Areas that will be exposed for more than one (1) month shall be seeded and mulched or landscaped.

(3) Temporary furrows, terraces, sediment or debris basins should be installed to prevent washing and erosion during construction.

(4) In areas where soil may wash onto the roadway or into a drainage basin, the developer will be required to install a silt fence or hay bales, or both.

(5) Final vegetation should be installed as soon as practical in the development after the land is exposed.

(6) A gravel construction entrance shall be constructed prior to any site work. Sediment washed onto roadways or into drainage ditches or basins, and soil tracked onto roadways by

construction equipment or daily ingress and egress onto the site shall be removed at the end of each working day.

14-216. Sketch Plan Requirements (Amended 5/8/2023). The application for a building permit for any structure which does not require a site plan as provided above in **Section 14-213.1** shall be accompanied by a sketch or scale plan indicating:

- a. The size and shape of the lot.
- b. The size, shape, location, and use of any existing or proposed buildings or structures on the site, or modifications thereto.
- c. The property's zoning classification and the zoning of all adjacent properties.
- d. Distance(s) between structure(s) as well as the distances from front, side, and rear property boundaries.
- e. The applicant's name and contact information.
- f. The street address of the property and tax parcel ID number.
- g. Driveways and parking spaces, where applicable.
- h. Location of well and septic system, where applicable.
- i. The intended use of all structures.

Sketch plans will be reviewed and either approved or denied by the Jasper Building Inspector in accordance with the provisions of this zoning ordinance and any other related municipal codes. In the case of denial, appeals can be made to the Jasper Board of Zoning Appeals. For situations where a sketch plan proposes a project that conflicts with the zoning ordinance or other municipal codes, the Building Inspector may choose to submit the sketch plan to either the Jasper Municipal-Regional Planning Commission and/or Board of Zoning Appeals for review and a ruling on the project.

CHAPTER 3

RESIDENCE DISTRICTS

SECTION

14-301. R-1 low density residential district

14-302. R-2 high density residential district

14-301. R-1 low density residential district. Within the R-1 residential district of the Town of Jasper, Tennessee, the following uses are permitted:

(1) One (1) family detached dwellings, however, mobile homes, trailers, and/or any structures which is not permanently affixed to the real estate shall not be allowed.

(2) Agricultural uses;

(3) Cemeteries;

(4) Churches, provided that: **(Amended 2/9/04)**

(a) There is a planted evergreen buffer strip at least ten (10) feet wide along the property lines, except the lines bordering on streets.

(5) Church bulletin boards not exceeding twenty (20) square feet in area;

(6) One (1) customary accessory building, including private garages and non-commercial workshops, provided that the building is located in the rear yard and not closer than ten (10) feet to any lot line. For a residence occupying a lot that is five (5) acres or larger in size, up to two (2) customary accessory buildings are allowed.

(Amended 01-11-99)

(7) Customary incidental home occupations including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty, and tailor shops, or the accommodation of not more than two boarders provided that there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area and that operations are conducted within the dwelling by not more than one member of the household and without employees from outside the home;

(8) Municipal, county, state or federal buildings or land uses;

(9) Child care centers provided there is at least 175 square feet of outdoor play area for each child at any one time and that the play area is enclosed by a fence that will adequately contain children. To be permitted in an R-1 zone, the child care center shall receive no more than seven (7) children for care who are eighteen (18) years of age or less for any less than 24 hours without transfer or custody. **(amended 9/12/05)**

(10) Public and semi-public recreational facilities and grounds;

(11) Schools offering general education courses;

(12) Signs not more than six (6) square feet in area advertising the sale or rental of the property on which they are located;

(13) Substations, such as electric, telephone, or gas, if essential for service to the zoning district in which it is proposed they be located, provided that:

(a) the structures are placed not less than fifty (50) feet from any property line;

- (b) the structures are enclosed by a woven-wire fence at least eight (8) feet high;
- (c) no vehicles or equipment are stored in the premises; and
- (d) the lot suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the front and side property lines (1983 Code, § 11-301, as amended by Ord. #152, Nov. 1986; Ord. #194, Jan. 1993; and Ord. #211B, § 1, April 1995).

14-302. R-2 high density residential district. (amended 2/9/04) Within the R-2 residential district of Jasper the following uses shall be permitted:

- (1) Any use permitted In the R-1 residential district.
- (2) Multi-family dwellings.
- (3) Boarding and rooming houses.
- (4) Mobile home parks and travel trailer parks provided they meet minimum requirements contained in all other pertinent ordinances in the code regulating same.³

³ Municipal code reference, Title 9, chapter 3.

CHAPTER 4

BUSINESS DISTRICTS

SECTION

14-401. Central business district.

14-402. C-2 general commercial district

14-403. C-3 professional district

14-401. Central business district. The following uses are permitted in the C-1 central business district of Jasper, Tennessee.

(1) Any retail business or services 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 forty (40) percent of the floor area and employs not more than five (5) operators.

(2) Automobile sales rooms.

(3) Bus terminals and taxi cab stands.

(4) Clubs and lodges.

(5) Hotels and offices.

(6) Funeral parlors.

(7) Banks.

(8) Insurance agencies.

(9) Motels.

(10) Newspaper and printing plants.

(11) Off-street parking lots.

(12) Professional offices for doctors, lawyers, dentists, architects, artists, engineers and the like.

(13) Public uses and structures.

(14) Public utility structures.

(15) Radio and television stations.

(16) Restaurants, bars, grills, and similar eating and/or drinking establishments, excluding drive-ins.

(17) Schools, colleges and churches.

(18) Signs:

(a) outdoor advertising;

(b) professional or announcement

(19) Theaters, indoor.

(20) Drug stores.

(21) Service stations.

(22) Hospitals.

(23) Nursing homes.

(24) Child care centers provided there is 50 square feet of outdoor play area for each child at any one time and that the play area is enclosed by a fence that will adequately contain children.

A child care center as a permitted use in this zone is defined as any place operated by a person, society, agency, corporation, institution or religious organization,

or any other group which receives any number of children eighteen (18) years of age or less for less than 24 hours without transfer of custody (1983 Code, § 11-401, as amended by Ord. # 152, Nov. 1986, and Ord. #211B, § 2, April 1995).

(25) Uses Permitted as Special Exceptions **(Amended & Added 5-12-2014)**.

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions upon review and approval by the Planning Commission. In the exercise of its approval, the Commission 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. Residential units (such as apartments or condos) 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:

- a. 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.
- b. Residential units located in the rear of a commercial building shall be separate and not interfere with loading/unloading areas.
- c. Residential units shall be at least 850 square feet each.
- d. 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 14-207 of this ordinance, which will also apply to the commercial use of the building.
- e. Residential units shall have separate access from commercial establishments.
- f. The proposed design must comply with the International Building Code and other relevant city codes.
- g. The Planning Commission shall review a sketch plan detailing the building layout and parking for the 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, but are not limited to:
 - i. The intensity and nature of the primary commercial use or adjacent uses make the addition of residential units inappropriate.
 - ii. 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.

- (26) **Food Trucks (Amended 5-8-2023)** provided the following conditions are met and any other conditions set by the planning commission based on the type of business and location of operations:
- a. An application and permit must be obtained from the Town based on the following timeframes:
 - i. 1 day - \$15
 - ii. 3 days - \$25
 - iii. 1 week - \$50
 - iv. 1 month - \$100
 - b. Must have written permission to operate on private property.
 - c. Requests to operate within public street right-of-way shall have written permission from the Town of Jasper specifying the location and duration of time permitted to utilize a portion of right-of-way or public parking spaces. In no case, shall food trucks be permitted within the right-of-way of state roads unless closed for a special event and given written permission by the town.
 - d. No banners, signs, flags, or other such items shall be permitted unless attached directly onto the mobile food unit.
 - e. Food trucks shall be considered a temporary use, and permission given for a specific location does not guarantee future use of the same location for such use. There is no grand-fathered provision for this use, and once removed by the owner or at the request of the town, a request and re-review by the Town is required before a food truck can be permitted at the same or a different location.
 - f. Food trucks permitted to operate at a location for more than three (3) hours shall have a written agreement that permits employees to have access to adequate restroom facilities within 500 feet of the vending location during the hours of operation.
 - g. Food trucks may be permitted as a temporary use and without the requirement of a permit by the Town of Jasper for special, limited-time events such as parades, festivals, and town sponsored events.
 - h. The Town of Jasper may revoke the approval given to food truck and/or mobile food vendors at any time and for any reason determined by the town, especially if the use is unsafe, disruptive to traffic, violates health and safety codes, or causes a public nuisance.
 - i. For special circumstances where the location or use may be questionable, the Town may have the approval of the permit sent to the planning commission who shall have the authority to set any other conditions to a permitted mobile food vendor use, the length of time this permission shall last, and any other condition deemed necessary

to protect the integrity of this ordinance, and the health, safety, and general welfare of the public. Violations of these conditions shall cause the allowed use to be suspended and the codes enforcement officer shall have the authority to issue a cease and desist order to the business owner and set a timeframe for the use to be removed.

14-402. C-2 general commercial district. Within the C-2 general commercial district the following uses are permitted:

(1) Any use permitted in the C-1 central business district except those uses which are permitted as special exceptions; and therefore, shall not be allowed in the C-2 General Commercial District. Also, not permitted is heavy industry other than that which is incidental to a retail business or service, and that does not generate significant noise that would be considered a nuisance to neighboring properties. (Amended 2-12-2018 Ord # 382).

(2) Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare.

(3) Any retail business or service customarily serving residential neighborhoods.

(4) Agricultural implement, sales, service and repair.

(5) Automobile parts sales.

(6) Bakery shops, including the manufacture of products to be sold primarily on the premises.

(7) Bowling alleys.

(8) Bus terminals provided they shall front on a major thoroughfare.

(9) Drive-in theaters and restaurants and outdoor theaters provided they shall front on a major thoroughfare.

(10) Drug stores.

(11) Gasoline service stations, provided that all structures, including underground storage tanks, are placed not less than thirty (30) feet from any property line and that such use shall front on a major thoroughfare. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

(12) Hobby, antique and souvenir shops.

(13) Motels.

(14) Sales and service of boats and mobile homes.

(15) Used car lots. (1983 Code, § 11-402; modified).

(16) USES PERMITTED AS SPECIAL EXCEPTIONS (added 8/13/2018)

In the C-2 General Commercial District, the following uses and their accessory uses may be permitted as special exceptions upon review and approval by the Planning Commission. In the exercise of its approval, the Planning Commission 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 residential uses may be permitted on land that was last used for residential purposes, provided it meets at least the following conditions and any other conditions deemed appropriate by the Planning Commission to ensure conformity with surrounding land uses.

- a. The property must be currently used as single-family residential or the last use must have been residential.
 - b. Any property that was last used as commercial shall not be converted to a residential use.
 - c. The lot must have access to public sewer, or must be suitable for a subsurface sewage disposal system based on a soil analysis survey.
 - d. A lot, currently used as single-family residential, may be further subdivided provided:
 - i. the existing lot is at least 5 acres prior to subdividing,
 - ii. the existing lot has adequate public road frontage,
 - iii. is not being used as any use other than residential,
 - iv. and all subsequent lots will be at least 1 acre or more and front upon a public road.
 - e. The provision for allowing single-family residential uses shall only apply to land that was previously used as residential, including future subdivisions approved by the Planning Commission.
- B. 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:
- 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 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 opaque 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 or concrete.
 - 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.
 - l. A minimum six (6) foot high opaque fence shall be provided around the perimeter of the facility where enclosed storage units with garage-style doors are used, and the fence shall be set back a minimum of five (5) feet from any front, side or rear property line for all outside storage units. Indoor storage units within the confines of a single building, as defined by this ordinance, are exempt from fences being required. Fencing requirements are only required to surround units if the individual units are access from outside of a building **(Amended 07/11/2022, Ord. # 410)**.
- C. Light manufacturing in EXISTING buildings of a warehouse type structure or similar building that is suitable for such use or easily converted to such use provided most of the noise, odor, dust, glare, and storage of raw and finished materials are confined within the enclosed building. The Planning Commission shall determine whether or not a proposed use is suitable for the building and the surrounding area, and may impose any restrictions or conditions upon the proposed light manufacturing operation so as not to allow a use that is

incompatible with the intended uses of the C-2 General Commercial District. Buildings shall maintain a commercial looking façade, and the property shall not give an appearance of it being used for industrial purposes as it will be located in a general commercial area.

(Amended 8/12/19, Ord. # 395).

14-403. C-3 professional district. Within the C-3 professional district, the following uses are permitted:

(1) Any use permitted in a residential district, except that use permitted by § 14-301(9) and § 14-302(5) aforesaid.

(2) “Professional” offices as defined as persons in “an occupation or vocation requiring training in the liberal arts or the sciences and advanced study in a specialized field.”

(3) Any use permitted shall be in harmony with and not detrimental to the uses permitted in adjoining districts.

(4) Any use permitted shall not appreciably increase traffic congestion or off-street parking problems. (As amended by Ord. #211B, § 3, April 1995).

14-404. II-1 INTERSTATE INTERCHANGE OVERLAY DISTRICT

A. District Description:

This district is an overlay district, provisions of which are designed to recognize the unique circumstances created at the points at which local, state, and federal streets and highways intersect with the Federal Interstate System of Highways. The intent of this district is to provide for the placement of on-premise business signs, appropriate in size and scale to their setting, for the purpose of attracting high-speed interstate travelers to exit the interstate. The overlay district applies to all property located within 2,500 feet of the right-of-way of I-24 Interchanges at Exit 155 and Exit 158. Except as may be altered by the provisions of 3.04.13, all other provisions of this ordinance relating to permitted uses within the underlying zoning district, and all other applicable provisions of **14-211 Sign Controls**, and all other applicable provisions of this ordinance shall apply.

B. Signs: Except as set out below, all signs located within the II-1 District shall meet all applicable provisions of **14-211 Sign Controls** of this ordinance.

C. Interstate/Interchange Monopole Signs:

(1) Individual parcels, any portions of which are located within 2,500 feet of the right-of-way of the Interstate I-24 Interchanges (Exit 155 and Exit 158), shall be permitted one (1) and only one (1) Interstate/Interchange monopole sign; provided however, that the Interstate/Interchange monopole sign must be located on that portion of the parcel lying within the II-1 district. No more than one (1) back-to-back sign shall be placed upon any Interstate/Interchange monopole sign. The faces of a back-to-back Interstate/Interchange monopole sign shall be situated so that both sides cannot be seen simultaneously from any point.

(2) The sign area of the Interstate/Interchange monopole sign shall not exceed four hundred fifty (450) square feet.

(3) The maximum height of the Interstate/Interchange monopole sign shall be one hundred (100) feet above the mean centerline elevation of Interstate I-24 at the point nearest the sign. The height of the sign must also be in compliance with height restricts for the airplane approach zones of the Marion County Airport.

(4) The Interstate/Interchange monopole sign shall NOT be placed within the front yard of any permitted use. The side yard setback shall be a minimum of ten (10) feet and twenty (20) feet from the rear property line. The measurement of setbacks shall be measured from the property line to the leading edge of the Interstate/Interchange monopole sign.

D. Information Required Before Installation of Interstate/Interchange Monopole Sign.

(1) Prior to the installation of an Interstate/Interchange monopole sign, the Building Inspector shall be supplied with all information necessary to allow him/her to make a determination as to whether or not the Interstate/Interchange monopole sign will meet the provisions of 14-404 and all other applicable provisions of this ordinance. Such information shall include a drawing indicating the measurements of all portions of the sign, height of the bottom of the sign face and the top of the sign face above the centerline elevation of the Interstate I-24 right-of-way in closest proximity to the sign.

(2) A survey prepared by a licensed surveyor shall be submitted to the Building Inspector showing the proposed location of the Interstate/Interchange monopole sign on the site/property. The surveyed location of the Interstate/Interchange monopole sign may be included on a site plan, as may be required by other applicable sections of this ordinance. Within ten (10) days following installation of the Interstate/Interchange monopole sign, the property owner shall submit a certified survey to the Building Inspector showing the precise height of the sign above the mean centerline elevation of the Interstate I-24 right-of-way.

E. Additional Permitted Signs:

(1) Each permitted use located on any portion of a parcel on which an Interstate/Interchange monopole sign is located and is located within the II-1 District, may be permitted to have one (1) detached ground/monument sign.

A. The maximum height of the detached ground/monument sign shall be eight (8) feet measured from grade to the top of the ground/monument sign.

B. The sign area of the detached ground/monument sign shall be a maximum of one hundred (100) square feet.

C. In order to ensure that there is no obstructions to vision the ground/monument sign shall be setback a minimum of thirty (30) feet from the front property line, ten (10) feet from the rear, and five (5) feet from the side property lines.

(2) Each permitted use located on any portion of a parcel on which an Interstate/Interchange monopole sign is located whether such use lies within or outside of the II-1 District, may be permitted to have a wall sign, the location, size, and height of

which shall be governed by the applicable provisions of **14-211 Sign Controls**, and the underlying zoning district of this ordinance. **(Amended 4/9/18)**.

CHAPTER 5

INDUSTRIAL DISTRICTS

SECTION

- 14-501. I-1 industrial districts - uses permitted
- 14-502. I-2 light industrial district - uses permitted
- 14-503. A-1 agricultural districts - uses permitted

14-501 I-1 industrial districts - uses permitted. The I-1 zone is established to provide an area for firms engaged in manufacturing and distribution of goods; to discourage uses incompatible to manufacturing; and protect the surrounding higher land uses and also to protect the industries in this district.

The following uses are permitted:

(1) 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 districts.

- (2) Agricultural equipment sales and repair.
- (3) Automobile sales rooms and repair garages.
- (4) Baking establishments.
- (5) Bottling and distribution plants.
- (6) Bulk storage plants.
- (7) Bus terminals and taxi cab stands.
- (8) Electronic firms.
- (9) Funeral parlors.
- (10) Gasoline service stations.
- (11) Heavy equipment sales and service.
- (12) Laundry and dry cleaning establishments.
- (13) Newspaper and printing plants.
- (14) Off-street parking lots.
- (15) Professional offices for doctors, lawyers, dentists, architects, artists, engineers and similar professional services.
- (16) Public uses and structures.
- (17) Public utility structures.
- (18) Radio and television stations.
- (19) Restaurants, cafes and similar establishments.
- (20) Schools and colleges.
- (21) Signs:
 - (a) business; and
 - (b) outdoor advertising
- (22) Stockyards and livestock sales.
- (23) Theaters.
- (24) Truck terminals
- (25) Veterinarian hospitals and kennels.

- (26) Wholesale and storage businesses including building material yards.
- (27) Mobile Home Sales and Service. **(Added 10-13-98)**
- (28) Telecommunications Structures, subject to the provisions of Chapter 2, Section 14-214 of this Ordinance. **(Added 10-13-98)**

(29) In the I-1 Industrial District, the following uses and their accessory uses may be permitted as special exceptions upon review and approval by the Planning Commission. In the exercise of its approval, the Planning Commission 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. Automobile Wrecking Yards, Junkyards, Salvage Yards as defined by this ordinance, which are not an allowable use unless the Jasper Planning Commission reviews a proposed use and its location and determines that it is in the best interest of the Town to allow such use as proposed. If allowed, all of the above mentioned uses are subject to the restrictions of the Jasper Municipal Code and any additional conditions as determined by the Planning Commission to ensure this use does not create a nuisance or safety hazard for nearby property owners **(Amended 07/11/2022, Ordinance # 413).**

14-502. I-2 light industrial district - uses permitted. The I-2 zone is established to provide an area for businesses engaged in commercial retail and/or distribution of goods and services; to discourage uses incompatible to the need for easy access and to protect the surrounding higher land uses and also to protect the businesses themselves within this district.

The following uses are permitted:

(1) Light industries, provided that any business 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 districts, and

(a) Employment is limited to fifty employees on any eight hour shift.

(b) Off-street parking is provided in a designated area at the ratio of two (2) spaces per three (3) employees on the shift employing the greatest number of employees.

(c) The Tennessee Department of Health and Environment must determine that in absence of public sewerage, the method of sewerage disposal is adequate.

(d) The operation is completely enclosed to include storage of waste materials.

(e) The State Fire Marshal's Office must determine that the operation will not constitute a fire hazard and that the operation itself, will not increase insurance rates for any other establishment.

(f) Adequate off-street loading and unloading space at the rear of the building will be provided.

- (2) Public uses and structures.
- (3) Public utility structures (Ord. #193, Oct. 1992)

14-503. A-1 agricultural districts - uses permitted. The A-1 zone is established to protect present land use and to provide an area for farming and animal husbandry.

The following uses are permitted:

- (1) Agricultural uses including crops, tree farming, livestock grazing, and other agricultural uses which are of the same or a closely similar nature.
- (2) Any of the uses permitted in the other districts provided that the new uses complies with § 14-212 and § 14-213 of this chapter. (Ord. #193, Oct. 1992).

CHAPTER 6

FLOODWAY DISTRICT

SECTION

14-601. F-1 floodway district.

14-602. Adjacent to residential district.

14-603. Uses permitted in floodway adjacent to an industrial district.

14-604. Planning commission approval.

14-601. F-1 floodway district. Open-type uses are permitted in the F-1 floodway district subject to approval of the planning commission and to such conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest⁴ (1983 Code, § 11-601).

14-602. Adjacent to a residential district. The following uses are permitted:

- (1) Agricultural uses including crop, nursery stock and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or closely similar nature.

- (2) Railroads, streets, bridges and public utility wire and pipelines for transmission and local distribution purposes.

- (3) Public parks and playgrounds and outdoor private clubs, including but not limited to country clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.

- (4) Recreational camps, camp grounds and camp trailer parks provided that rest room facilities shall be located and constructed in accordance with the health department requirements.

- (5) Any other uses customarily accessory or incidental to the above uses (1983 Code, § 11-602).

14-603. Uses permitted in floodway adjacent to an industrial district. The following uses are permitted:

- (1) Any of the above permitted uses.
- (2) Commercial excavation of natural materials.
- (3) Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in the adjoining district.

- (4) Other similar uses accessory to those permitted in the adjoining district (1983 Code, § 11-603).

14-604. Planning commission approval. No permit shall be issued for the construction of any building or structure including railroads, streets, bridges and utility lines or for any use within the floodway until plans for such construction or use have been submitted to the planning commission and approval is given in writing.

In its review of plans submitted and keeping in mind that the purpose of these requirements is to prevent encroachment into the floodway which will unduly increase

⁴ Municipal code reference. This chapter should be construed in conjunction with chapter 11, Flood Damage Prevention.

flood heights and endanger life and property, the planning commission shall be guided by the following standards:

(1) Any structures permitted shall be of a type not to be appreciably damaged by floodwater, provided no structures for human habitation shall be permitted.

(2) Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining district.

(3) Any permitted structures shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to the flow of water.

(4) Where, in the opinion of the planning commission, topographic data, engineering, and other studies are needed to determine the effects of the structure or fill and/or the effect of the structure or fill on the flow of water, the planning commission may require the applicant to submit such data and other studies prepared by competent engineers and other technical people.

(5) Any structure, equipment, or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.

(6) The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town of Jasper or the planning commission or by any officer or employee thereof of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto. (1983 Code, § 11-604).

CHAPTER 7

EXCEPTIONS AND MODIFICATIONS

SECTION

- 14-701. Existing lots.
- 14-702. Front yard setbacks of dwellings.
- 14-703. Height limits.
- 14-704. Corner lots.
- 14-705. Vision clearance.
- 14-706. Group housing projects.
- 14-707. Planned shopping centers.
- 14-708. Hazardous waste.

14-701. Existing lots. Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of the 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 the topography, physical shape or other unique features of such lots of record prevent reasonable compliance with the setback or other requirements of this ordinance, such plot of land may nevertheless be used as a building site. The yard and other space 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 four thousand (4,000) 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. (1983 Code, § 11-701).

14-702. Front yard setbacks of dwellings. (1) The front yard setback requirements 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.

(2) Front yard and side yard setbacks of dwellings remain an exception to the zoning ordinance as it pertains to the infilling of vacant lots within an established neighborhood. (1983 Code, § 11-702, as amended by Ord. # 174, May 1990).

14-703. 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, smoke stacks, water towers, or telecommunications structures regulated by Jasper Municipal Code Section 14-214. **(Amended 10-13-98)**

14-704. 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. (1983 Code, § 11-704).

14-705. Vision clearance. In all use districts, except the C-1 central business district, no fence, wall, shrubbery or other obstruction to vision in excess of three (3) feet above the finished grade of street right-of-way along which said fence, wall, shrubbery or other obstruction to vision is located, shall be erected, permitted or maintained within twenty (20) feet of the intersection of the rights-of-way lines of streets and railroads (1983 Code, § 11-705, as replaced by Ord. #224, § 2, July 1996).

14-706. Residential Townhouse and Patio Home Regulations.
[Amended 7-9-07]

A. Purpose:

In Jasper's residential zoning districts, fee-simple townhouses and patio homes are allowed to increase the variety of available housing choices. Within these districts, townhouse units and patio homes can be developed and sold as individually-deeded lots in fee-simple to those who desire this type of low-maintenance home, provided the developer follows the specific regulations established in this section for "zero lot line" townhouse units or patio homes.

B. Definitions:

1. PATIO HOMES: A patio home shall be defined as a single-family residential dwelling of one (1) or more floors, but which is located to one (1) side of a less than standard width lot. That is, these homes have a "zero foot" setback on one side to maximize the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

2. RESIDENTIAL TOWNHOUSES: A residential townhouse shall be defined as a single family residential dwelling of one (1) or more floors on a lot by itself and having or appearing to have a common wall with an adjacent similar unit or units.

C. Regulations for Townhouses:

All townhouse complexes shall incorporate the following features which have proved to provide the most attractive developments:

1. They shall contain between two (2) and seven (7) units in each building;
2. Each townhouse shall have an architectural character that is individual yet compatible with its neighbors;
3. The front facades shall be off-set horizontally and the roof lines shall be off-set vertically from one another to avoid the appearance of an apartment building;
4. One (1) story units, when used, shall be placed on the end of a building.

Since a townhouse complex involves common walls unlike the patio home, some separate requirements are necessary to each type of development. (Note: the regulations in Section E also apply to townhouses.)

5. Subdivision Plat Approval Procedure for TOWNHOUSE Construction:

Since it is intended that the land in a townhouse development be used for owner-occupied townhouses, each townhouse shall occupy a separate subdivision lot. Since the townhouses are joined or appear to be joined, they shall be built as entire units.

Therefore, to prevent the sale of individual unbuilt lots, no individual lots can be recorded until the following subdivision and development process shall have been followed by the developer:

- a. Prepare a site plan and a preliminary major subdivision plat for the proposed townhouse development (major lots are those which shall each contain a row of several townhouses);
- b. Present the site plan to the Jasper Building Inspector for review and the preliminary subdivision plat to the Jasper Municipal-Regional Planning Commission and obtain approval of both;
- c. Proceed to construct the required streets, etc., and the building units according to these approved plans after obtaining needed building permits. (This may be done for the entire development or may be done in two (2) or more phases);
- d. Present final plat of the built-up phases to city building inspector for inspection and verification and then to the Jasper Municipal-Regional Planning Commission for final subdivision approval.

(The final plat shall show the individual lot lines exactly where the side walls of the individual units were built.);

- e. If all the final subdivision requirements of the Jasper Regional Subdivision Regulations have been met or adequate bonds posted, the planning commission shall grant final subdivision approval for the phases that have been constructed with townhouses;
- f. The developer records this final plat and can then sell these townhouse units.

6. Area and Dimensional Requirements for Townhouses:

All townhouses within Jasper's region shall conform to the following measurements:

a. Minimum Floor Area

ONE STORY

TWO STORY _____ Floor)
(1st
(Min. Total)

850 sq. ft.

600 sq. ft.

960 sq. ft.

b. Minimum Lot Width and Public Street Frontage:

R-1 24 feet

R-2 20 feet

c. Minimum Lot Area:

R-1 2,400 sq. ft.

R-2 2,000 sq. ft.

d. Minimum Lot Depth:

Ninety (90) feet provided front and back setbacks and minimum lot areas are met.

e. Minimum Building Line Setbacks:

Front: 30 ft. from interior street right-of-way
35 ft. from exterior street right-of-way

Side: None except for end units which ... shall have a 15-foot side yard

Rear: 25 feet

f. Minimum Separation Between Buildings Containing Groups of Townhouses:

- 1) End to end 30 ft.
- 2) End to front..... 40 ft.
- 3) Back to end 40 ft.
- 4) Back to back..... 50 ft.
- 5) Front to front..... 60 ft.
- 6) Front to back 60 ft.

D. Regulations for PATIO HOMES:

(Note: The regulations in Section E also apply to patio homes.)

1. Subdivision Plat Approval Procedure for Patio Home Construction:

To insure that each building is built within the proper area of its lot, these regulations shall be followed:

a. Prepare a site plan and a preliminary subdivision plat for the proposed patio home development. The site plan among other requirements must indicate with a separate line the portion of each lot on which the patio houses must be built and which lot line will have a zero foot setback.

b. After approval of the site plan, the normal subdivision review process for preliminary and final plats must be followed. The final plat will also show the buildable lot area for each lot, so that the building inspector will know if a future house plan for one of these lots complies with the intent of the approved site plan.

2. Area and Dimensional Requirements for Patio Homes:

All patio homes within Jasper's region shall conform to the following measurements:

a. Minimum Lot Width at Building Line:

R-1 60 ft.
R-2 50 ft.

b. Minimum Lot Area:

R-1 6,000 ft.
R-2 5,000 ft.

c. Minimum Public Street Frontage:

Forty (40) feet

d. Minimum Lot Depth:

Ninety (90) feet, provided front and back setbacks and lot area requirements are met.

e. Minimum Building Line Setbacks:

Front: 30 feet from interior street right-of-way
35 feet from exterior street right-of-way

Side: Zero feet on one side and twenty (20) feet on the other; except where a lot is on the edge of the Patio Home Development (i.e., abuts a conventional residential area, a townhouse area, a non-residential area, or a side street) in which case either E-1 or E-2 below shall apply.

Rear: 20 ft. from another patio home lot
30 ft. from all other types of residential development and from non-residential districts

f. Minimum Separation Between Patio Homes:

Twenty (20) feet between any part of any two (2) buildings (except for chimneys and overhangs which shall not exceed three (3) feet).

E. Regulations Applying to Both Townhouses and Patio Homes:

1. Minimum Building Setbacks. Minimum building setbacks for side yard adjacent to street right-of-ways on corner lots shall be met as specified Jasper Municipal Code 14-209 according to the district in which the development is located.

2. Minimum Side Yard Setback from Edge of Residential Townhouses and Patio Homes Development:

No building shall be located less than twenty (20) feet from any boundary of the residential townhouse/patio home development. (Larger front and rear setbacks have already been specified.)

3. Site Plan Approval Required:

The site plan referred to in items C.5.a and D.1.a for the residential townhouse and patio home development shall be prepared in accordance with the Site Plan Regulations in Section 14-706.

4. Required Utilities:

The residential townhouse and patio home development shall be provided with adequate public water and sewerage systems.

5. Street Construction:

All proposed streets shall be built in accordance with the requirements of the Jasper Municipal-Regional Subdivision Regulations.

6. Required Off-Street Parking:

Two (2) spaces, ten (10) feet by twenty (20) feet in size, shall be provided for each dwelling unit. These spaces shall be located entirely upon the lot and shall be directly accessible from the public street right-of-way (a garage may count for one (1) space). In addition, there shall be paved guest and overflow parking provided on commonly owned land at a ratio of one space per two (2) units.

7. Reconstruction:

In the event that one or more townhouse units are destroyed by fire or other cause, no structure or structures shall be placed on each vacant lot except another townhouse which must be built according to the original intent of these residential townhouse and patio home regulations. If one or more zero lot line homes are destroyed, no structures shall be placed on each vacant lot except another zero lot line house also built according to the original intent of these residential townhouse and patio home regulations.

8. Open Space:

The maximum lot coverage shall not exceed 55 percent of the lot area. Driveways and sidewalk will be figured in the open space.

14-707. Planned shopping centers. A planned shopping center consisting of one (1) or more buildings to be constructed on a plot of land containing at least two (2) acres not subdivided into customary streets and lots may be constructed provided:

- (1) it is located at the intersection of a major thoroughfare and uses permitted are same as the C-1 and C-2 districts;
- (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. (1983 Code, § 11-707).

14-708. Hazardous waste. (1) No industry, business or plant shall locate within the corporate limits that is engaged primarily in the handling, processing and disposition of hazardous waste.

- (2) The town's zoning ordinance and all applicable sections of the Jasper Municipal Code are amended to reflect the aforesaid prohibition, which shall apply to all zoning districts, and to all areas located within the corporate limits of the Town of Jasper, Tennessee. (Ord. # 173, April 1990).

14-709. Interior circulation drives. (Added 01-12-98) Interior Circulation Drives may be needed in large developments which require large parking areas or parking areas that need to be independent of public streets. These drives interconnect all parking lot access points with all buildings and areas of vehicular traffic, parking, loading and servicing. Interior Circulation Drives are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. Interior Circulation Drives may be permitted in accordance with the following requirements:

- (1) The width, placement, and design of Interior Circulation Drives shall be reviewed by the planning staff and shall be first approved by the Jasper Regional Planning Commission before such development can occur.
- (2) The planning commission may require that the Interior Circulation Drives of adjacent developments be connected to eliminate the need to use the public streets to drive from one development to another.
- (3) All circulation drives shall be clearly defined and marked appropriately with arrows and other applicable traffic directional signs or signals to assist vehicular circulation into and out of the property and its parking areas.
- (4) Where Interior Circulation Drives parallel a public street, an area of land not less than fifty (50) feet deep shall be provided between the public street right-of-way line and the edge of all proposed interior circulation drives. This area will separate the roadways with a minimum turning radius. Such area shall be landscaped and grassed.

(5) In no case shall the area of an Interior Circulation Drive be included in the calculations for the required off-street parking within a development, unless the planning commission has determined that an adequate right-of-way width has been established along the Interior Circulation Drive which allows for parking along that drive, without creating an impediment to the flow of traffic along the Interior Circulation Drive.

(6) Interior Circulation Drives that obtain access to federal or state highways shall comply with § 14-212. Access to federal or state highways, of the Official Jasper Zoning Ordinance.

(7) In no case shall the approval of an Interior Circulation Drive by the Jasper Regional Planning Commission constitute the automatic acceptance of the Interior Circulation Drive as a city street, publicly maintained by the Town of Jasper.

14-710. Standards for Accessory Dwelling Units

1. Intent, Applicability & General Provisions

The intent of this section is to provide regulations for development of Accessory Dwelling Units (ADUs) in a manner which provides for an efficient use of land and provides small-scale infill on lots with single-family dwellings. The intent is also to provide standards which will foster compatibility with surrounding development and reduce impacts of new ADUs on adjacent properties. ADUs are intended to provide for a larger range of housing options while maintaining residential character of neighborhoods.

General Provisions for ADUs

Applications for an ADU must meet certain conditions. No variances or amendments to the following conditions shall be granted.

- a. The property owner must reside in either the principal structure or the ADU.
- b. Only one ADU is allowed per lot in conjunction with a single-family house. ADUs are not allowed in conjunction with a duplex, multi-family dwelling units, or single-wide mobile homes.
- c. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
- d. Only one minor or major home-based business may be conducted as a customary home occupation on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.

2. Zones

Site Built Accessory Dwelling Units shall be permitted in any zone that allows residential uses on any parcel suitable for a single-family dwelling. Manufactured ADUs may be permitted on appeal in the R-2 or A-1 zones. ADUs may be permitted on appeal in commercial zones (C-1, C-2 and C-3) if there is a single-family home already located on property in these commercial districts. ADUs are

not allowed in conjunction with duplexes or any other multi-family housing, and can only be located on properties with an existing single-family home. Only one (1) ADU is permitted on a single lot in conjunction with one single-family home. Single-wide trailers, RVs, campers, tents, and travel trailers are not approved ADUs.

3. Height and Area Regulations

- a. Height: Detached ADUs cannot exceed twenty-four feet or two stories maximum. Attached ADUs must meet existing height restrictions by zone.
- b. Location: Attached ADUs must be incorporated into the main principal dwelling unit or an existing accessory use (such as garage or workshop) in the rear or side yard. Detached ADUs are permitted in the rear and side yards only. ADUs must be located on the same lot as the primary single-family structure.
- c. Size
 - i. Attached ADU: The maximum size of an ADU shall not exceed 30% of the Principal Dwelling Unit or 700 square feet, whichever is less.
 - ii. Detached ADU: The maximum size of a detached ADU is 50% of the principal dwelling unit or 700 square feet, whichever is less. Non-enclosed breezeways connecting with the primary residence are considered detached ADUs.
 - iii. The Board of Zoning Appeals can grant an exception to the above if an existing building or residence is being modified.
- d. Setbacks:
 - i. Front: Accessory Dwelling Units are not permitted in the front yard between the Principal Dwelling Unit and the front property line.
 - ii. Side and Rear setbacks must follow the setback requirements for accessory uses as required by zone.
 - iii. Detached ADUs must be a minimum of five (5) feet from the principal dwelling.
- e. Lot Coverage: Total lot coverage for the entire lot including the Principal Dwelling Unit and the Accessory Dwelling Unit shall not exceed 30% of the total lot area. The building footprint shall be measured from the outer building wall.

4. Ownership

- a. No more than one Accessory Dwelling Unit shall be permitted on a single lot in conjunction with the Principal Dwelling Unit.
- b. The Accessory Dwelling unit shall be owned by the same person as the Principal Dwelling Unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal Dwelling Unit. Under no circumstances shall the property be converted into a horizontal ownership regime (timeshare) or a fee simple condominium.
- c. One of the two dwellings on the property shall be owner occupied. With respect to Accessory Dwelling Units, "owner occupancy" means a property owner, as reflected in real property records, who makes his or her legal

residence at the site, as evidenced by voter registration, property deed, or similar means and resides at the site more than six months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust. The Building Inspector may waive this requirement for temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences.

5. Health and safety requirements.

- a. Site-built and permanently installed ADUs must meet all standards of the Town of Jasper including any applicable building codes. Manufactured homes must meet the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act, Tennessee Modular Building Act, Tennessee Manufactured Home Installation Act, and National Manufactured Housing Construction and Safety Standards Act of 1974, as may be applicable.
- b. Plumbing must be connected to an approved subsurface sewage disposal system or public sewer system. Composting toilets, incinerating toilets, and other disposal methods are prohibited. Temporary storage tanks are only allowed in recreational vehicles located within a campground.
- c. Site-installed features such as stairs, decks, handrails, and landings must meet all code requirements of Jasper.

6. Design

- a. Shipping containers, single-wide trailers, recreational vehicles, campers, and travel trailers shall not be permitted as an Accessory Dwelling Unit upon any lot where an Accessory Dwelling Unit is a permitted use. No structure still on wheels shall be a permitted ADU.
- b. The Accessory Dwelling Unit shall be of a similar architectural design, style, appearance and character of the Principal Dwelling Unit on the lot including but not limited to, matching façade color and building materials; roof form and pitch; and windows. Manufactured ADUs must also meet these requirements.

7. Parking

A minimum of one parking space per dwelling unit must be provided. Any additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements

8. Permit Application

Property owners must apply for a permit to build and install an Accessory Dwelling Unit.

- a. The application shall require architectural drawings and a dimensional floor plan showing cooking, bath and living areas. The drawings must show the inside and outside of the ADU.

- b. The ADU permit must be issued prior to applying for a building permit.
 - c. A deed restriction shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
 - d. Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted to the building inspector showing the proposed interior and exterior of the ADU.
 - e. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. If served by sewer, the ADU must have approval from the Jasper Sewer Department for connection onto the existing sewer tap serving the primary residence on the property. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.
9. Existing ADUs
Legally created accessory dwellings units established prior to the enactment of these regulations may continue to exist and will be regulated by the conditions under which it was approved.
10. Abandonment of an ADU
A property owner may choose to abandon an ADU by meeting the following criteria:
- a. If attached to the principal residence, then access must be established between the housekeeping units without going outdoors to make the ADU an extension of the existing primary residence.
 - b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.
 - c. Inspections by the Jasper Building Inspector will be required to ensure that all regulations are followed.
 - d. An instrument is recorded in the register's office stating that the ADU no longer exists (**Amended 07/11/2022, Ordinance # 411**).

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

SECTION

14-801. Building permit required.

14-802. Application for building permit.

14-803. Construction progress.

14-804. Remedies.

14-801. Building permit required. No building or other structure shall be located, erected, moved, or be added to or structurally altered--with a cost exceeding two hundred (200) dollars--without a building permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this ordinance (1983 Code, § 11-801).

14-802. Application for building permit. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

- (1) the actual dimensions of the lot to be built upon;
- (2) the size of the building or structure to be erected;
- (3) the location of the building or structure on the lot;
- (4) the location of existing structures on the lot, if any;
- (5) the number of dwelling units the building--if residential--is to accommodate;
- (6) the setback lines of buildings on adjoining lots;
- (7) the layout of off-street parking and loading spaces;
- (8) the signature of the supervisor of the Jasper water works;
- (9) the signature of the county health officer approving the proposed location of the septic tank, and field lines, provided public sewerage is not available. The installation of the septic tank and field lines shall be approved by the county health officer before backfilling. Written approval shall then be presented to the building inspector; and

- (10) any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity.

Any person wishing to build in a special "flood hazard area" as defined by the Federal Assurance Administration of the Department of Housing and Urban Development must also show on his or her application for a building permit the proposed first floor elevation of the structure. (1983 Code, § 11-802).

14-803. Construction progress. Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (1983 code, § 11-803).

14-804. Remedies. If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is

used in violation of this ordinance, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violations in the case of such building, structure or land. (1983 Code, § 11-804).

CHAPTER 9

BOARD OF APPEALS

SECTION

14-901. Appointment.

14-902. Powers and duties of the board of appeals.

14-903. Appeals proceedings.

14-904. Stay of proceedings.

14-905. Appeal to the court.

14-901. Appointment. Five (5) members of the Jasper Planning Commission, appointed by the mayor and board of aldermen shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law. (1983 Code, § 11-901).

14-902. Powers and duties of the board of appeals. Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this ordinance, may appeal for and receive a hearing by the board of appeals (advised by the city attorney) for an interpretation of the ordinance. The board of appeals with advice from the city attorney, may, in conformity with the provisions of this ordinance, reverse or affirm any order, requirements, decision or determination made by the building inspector.

The board of appeals may authorize upon appeal in specific cases variances from the terms of this ordinance that will not be contrary to the public interest. Such variances may be granted in an individual case upon a finding by the board of appeals that all of the following conditions exist:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- (2) Such conditions are peculiar to the particular piece of property involved.
- (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance (1983 Code, § 11-902).

14-903. Appeals proceedings. Appeals shall be taken within thirty (30) days of the date of the building permit was denied by the building inspector or within thirty (30) days from the date on which the building inspector issues an order to cease construction on any project wherein no application for a building permit has been filed. Said appeals shall be commenced by the filing with a building inspector and with the planning commission, a written notice of the appeal which shall specify the grounds therefore.

The building inspector shall forthwith upon receiving notice of an appeal transmit to the board of appeals all documents constituting the record upon which the actions appeal from was taken.

The board of appeals shall fix a time for the hearing of appeals and give at least five (5) days notice to the appealing party or their attorney.

The hearing before the board of appeals shall be de novo. (1983 Code, § 11-903).

14-904. Stay of proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the planning commission after the notice of appeals has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the planning commission or by a court of record on application, on notice to the building inspector, and on due cause shown. (1983 Code, § 11-904).

14-905. Appeal to the court. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the board of appeals may seek review by a court of record of such decision in a manner provided by the laws of the State of Tennessee. (1983 Code, § 11-905).

CHAPTER 10

AMENDMENTS AND LEGAL STATUS

SECTION

14-1001. Amendments.

14-1002. Conflict with other regulations.

14-1001. Amendments. This zoning ordinance may be amended from time to time by the board of mayor and aldermen of the Town of Jasper, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Jasper Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of the majority of the board of mayor and aldermen to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before enactment of an amendment to this ordinance, the board of mayor and aldermen of Jasper shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Jasper.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or disapproved, receive the favorable vote of a majority of the entire membership of said legislative body. (1983 Code, § 11-1001).

14-1002. Conflict with other regulations. Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern. (1983 Code, § 11-1002).

CHAPTER 11

ORDINANCE NO. 346

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE TOWN OF JASPER, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF JASPER, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

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

Section A. Statutory Authorization

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

Section B. Findings of Fact

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

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

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

Section D. Objectives

The objectives of this Ordinance are:

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

ARTICLE II. DEFINITIONS

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

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

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

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

"Building" see **"Structure"**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Jasper, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

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

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

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

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

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The current market value shall be determined by the county property assessor's office.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. The current market value shall be determined by the county property assessor's office. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Ordinance.

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Jasper, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community ID 475429/ Countywide 47115 and Revised Panel Number(s) 0210, 0220, and 0250, dated January 6, 2012 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Jasper, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

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

Section B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential

building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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

Section C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.

8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Jasper, Tennessee FIRM meet the requirements of this Ordinance.

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

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

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

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

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

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

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

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or

substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

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

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

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Jasper, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Jasper, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the

design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The Town of Jasper, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The Town of Jasper, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- a) The danger that materials may be swept onto other property to the injury of others;
- b) The danger to life and property due to flooding or erosion;
- c) The susceptibility of the proposed facility and its contents to flood damage;
- d) The importance of the services provided by the proposed facility to the community;
- e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

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

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

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

Section B. Severability

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

Section C. Effective Date

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

Approved and adopted by the Town of Jasper, Tennessee, Mayor and Alderman.

CHAPTER 12

ADULT ORIENTED ORDINANCE

(Added 4/13/09)

14-1201. Definitions. Except as specifically defined herein, all words used in this Ordinance shall have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms are to be interpreted as follows:

- (1) Words used in the present tense include the future tense;
- (2) Words used in the singular include the plural, and words used in the plural include the singular;
- (3) The word “shall” is always mandatory;
- (4) The word “person” includes a firm, association, organization, partnership, family partnership, limited partnership, trust, limited liability company, company, or corporation, as well as an individual;
- (5) “Adult” means a person who has attained eighteen (18) years of age as defined within Tennessee Code Annotated Section 7-51-1401;
- (6) “Adult Bookstore” means a business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded, or live and which restricts or purports to restrict admission to adults or to any class of adults as defined within Tennessee Code Annotated Sections 7-51-1102 and 7-51-1401;
- (7) “Adult-Cabaret” means an establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within such establishment, at any time, the bare female breasts below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swimsuits, lingerie, or latex covering. “Adult-Cabaret” includes a commercial establishment, which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers, as defined within Tennessee Code Annotated Sections 7-51-1102 and 7-51-1401;
- (8) “Adult-Entertainment” means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of

articles of clothing or appearing unclothed, pantomime, modeling or other personal service offered customers as defined within Tennessee Code Annotated 7-51-1102 and 7-51-1401;

- (9) “Adult-Mini Motion Picture Theater” means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas” as defined within this Chapter for observation by patrons therein, as defined within Tennessee Code Annotated Sections 7-51-1102 and 7-51-1401;
- (10) “Adult-Oriented Establishment” includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further “adult-oriented establishment” means 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, 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. “Adult-oriented establishment” further 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, escort or any other term of like import, as defined within Tennessee Code Annotated Sections 7-51-1102 and 7-51-1401;
- (11) “Escort Service” means a “person” as defined within this Chapter, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts, as defined within Tennessee Code Annotated Section 7-51-1102;
- (12) “Massage Parlor” means an establishment or place primarily in the business of providing massage or tanning service where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material, as defined within Tennessee Code Annotated, Section 7-51-1102;
- (13) “Operator” means any person, partnership, or corporation operating, conducting, or maintaining an adult-oriented establishment, as defined within Tennessee Code Annotated, Section 7-51-1102;
- (14) “Rap Parlor” means an establishment or place primarily in the business of providing nonprofessional conversation or similar service

for adults, as defined within Tennessee Code Annotated Section 7-51-1102;

- (15) “Sauna” as defined within Tennessee Code Annotated, Section 7-51-1102 means an establishment or place primarily in the business of providing;

- (a) A steam bath; or
- (b) Massage Services.

- (16) “Sexual Conduct” means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person, as defined within Tennessee Code Annotated Section 7-51-1102;

- (17) “Sexually-Oriented Material” means any book, article, magazine, publication, or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered, as defined within Tennessee Code Annotated Section 7-51-1102;

- (18) “Specified Anatomical Areas” as defined within Tennessee Code Annotated Section 7-51-1102 means:

- (a) Less than completely and opaquely covered:
 - (i) Human genitals;
 - (ii) Pubic region;
 - (iii) Buttocks; and
 - (iv) Female breast below a point immediately above the top of the areola; and

- (b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

- (19) “Specified Services” means massage services, private dances, private modeling, acting as an “escort” as defined within this Chapter, and other live “adult entertainment” as defined within this Chapter, as defined within Tennessee Code Annotated Section 7-51-1102;

Section 3. Jasper Municipal Code Section 14-1202 shall provide that an adult-oriented establishment is only a permitted use in an I-1 industrial district, as defined in Title 14, Chapter 5 of the Jasper Municipal Code. Under any circumstance, an adult-oriented establishment is specifically subject to the following special restrictions:

1. Restrictions. In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary to a 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 used for the purpose of a recreation park, playground, place of worship, public or private school, day care center, or another adult-oriented establishment. Measurements shall be made from the nearest property line of the adult oriented establishment to the nearest property line or boundary of said zone(s) or designated uses. "Adult-Oriented" Establishments" as defined within this Ordinance, are prohibited from all parts of the corporate limits of the Town of Jasper, except for those areas zoned I-1 Industrial.

2. Evaluation. For the purpose of enforcing the above restrictions, it shall be the responsibility of the Building Inspector. It shall be the responsibility of the applicant to supply a Site Plan and any other maps, surveys, or other such special information as might reasonably be required.

3. 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 an I-1 district or to own, manage or operate such an establishment without obtaining a building permit as required herein and any other permit the Town of Jasper may require.

4. Signs and Other Visible Messages. Signs and visible messages based on the allowable sign area of the zoning district as shown in Title 14, Land Use Controls, Chapter 2, General Provisions Relating to Zoning, Section 211, Sign Controls are permitted provided:

(a) Sign messages shall be limited to a written description of material or services available on the premises;

(b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;

(c) 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 materials available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

APPENDIX A

JASPER MUNICIPAL ZONING ORDINANCE

JASPER, TENNESSEE